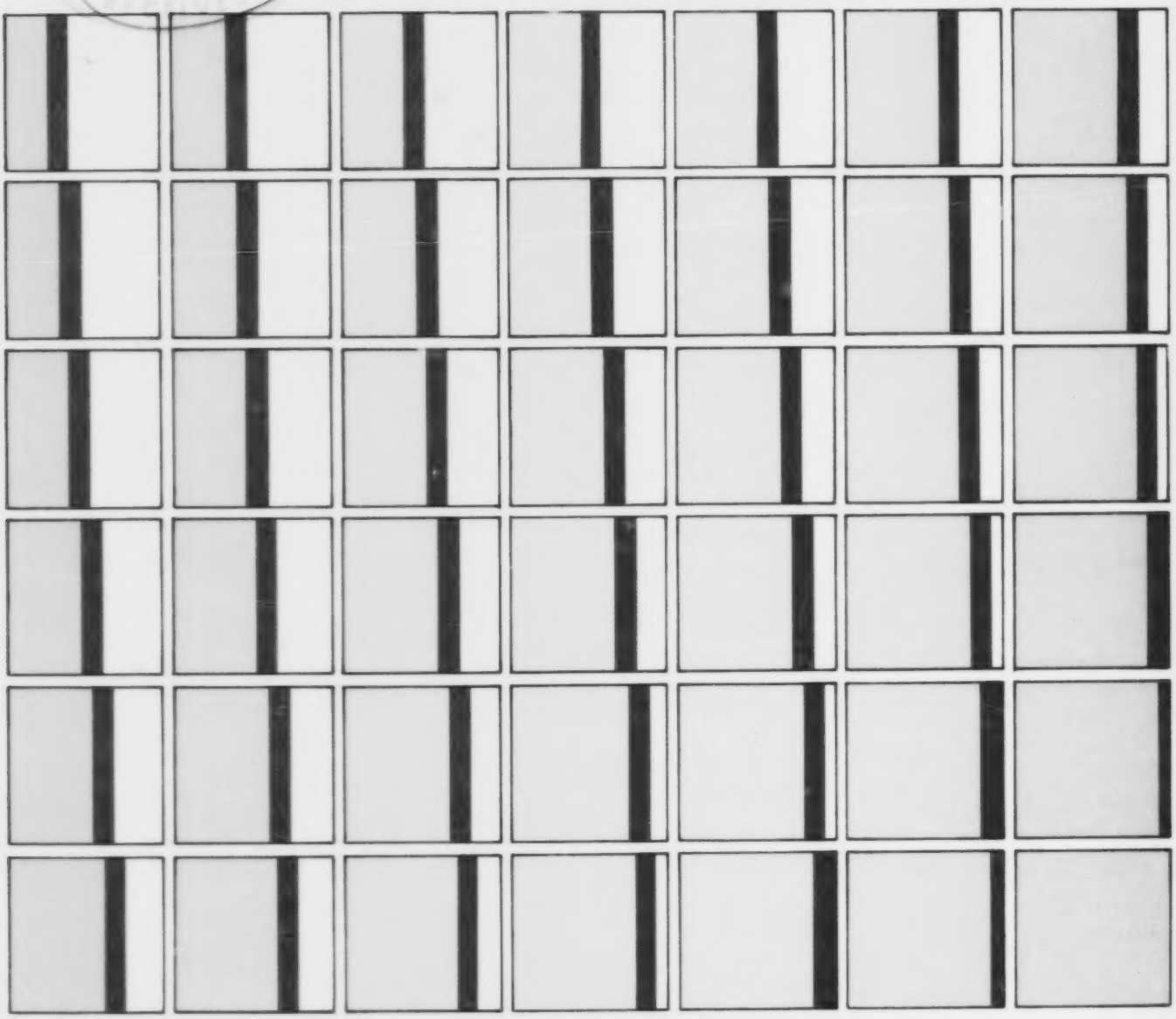
Professional Fees in Private Practice: the Question of Regulation

Report of the Office des Professions du Québec

APPENDICES



APPENDICES

PROFESSIONAL FEES IN PRIVATE PRACTICE: THE QUESTION OF REGULATION

REPORT OF THE OFFICE DES PROFESSIONS DU QUEBEC

JUNE 1977

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APPENDIX 1

LEGISLATION PRIOR TO THE

PROFESSIONAL CODE GIVING CERTAIN PROFESSIONAL CORPORATIONS

THE POWER TO ESTABLISH FEE SCHEDULES

Agronomists	:	Agronomists Act, R.S.Q. 1964, c. 260, s. 12**
Architects	:	Architects Act, R.S.Q. 1964, c. 261, s. 10
Chartered Appraisers	:	Act to incorporate the Corporation of Chartered Appraisers, S.Q. 1969, c. 104, s. 8(c)
Engineers	:	Engineers Act, R.S.Q. 1964, c. 262, s. 10(i)
Forest Engineers	:	Forest Engineers Act, R.S.Q. 1964, c. 264, s. 10
Guidance Counsellors	:	Act to incorporate the Corporation of Guidance Counsellors of Québec, S.Q. 1963, c. 100, s. 7(c)*
Land Surveyors	:	Land Surveyors Act, R.S.Q. 1964, c. 263, s. 5(2)(f)
Lawyers	:	Bar Act, S.Q. 1966-67, c. 77, ss. 125, 126
Notaries	:	Notarial Act, S.Q. 1968, c. 70, s. 102
Optometrists	:	Optometrists and Opticians Act, R.S.Q. 1964, c. 257, s. 18*
Pharmacists	:	Pharmacy Act, R.S.Q. 1964, c. 255, s. 5(11)*
Physicians	:	Medical Act, R.S.Q. 1964, c. 249, s. 15(15)*
Psychologists	:	Act respecting the Corporation of Psychologists of the Province of Québec, S.Q. 1962, c. 88, s. 7(c)*
Speech Therapists and Audiologists	:	Speech Therapists and Audiologists Act, R.S.Q. 1964, c. 256, s. 7(e)*
Urbanists	:	Act to incorporate the Corporation of Urbanists of Québec, S.Q. 1963, c. 101, s. 7(i)

* No tariff of fees was adopted under this Act.

** The Agronomists Act was repealed in 1973 and replaced by the Agrologists Act (S.Q. 1973, c. 58)

AGRONOMISTS

Section of the Agronomists Act (R.S.Q. 1964, c. 260) granting authority to establish a tariff and providing for its coming into force:

> 12. The tariffs of fees established by by-law shall come into force only after approval by the Lieutenant-Governor in Council, and publication in the Québec Official Gazette.

ARCHITECTS

Section of the Architects Act (R.S.Q. 1964, c. 261) granting authority to establish a tariff and providing for its coming into force:

> 10. The Council shall fix a tariff for the services of members of the Association, which, when approved by the Lieutenant-Governor in Council and published in the Québec Official Gazette, shall be accepted in all courts of law as evidence of the value of such services, unless there be an agreement in writing to the contrary.

CHARTERED APPRAISERS

Section of the Act to incorporate the Corporation of Chartered Appraisers of Québec (S.Q. 1969, c. 104) granting authority to establish a tariff and providing for its coming into effect:

> 8. The board may make by-laws for the conduct of the affairs of the corporation and in particular respecting:
> . . .
>
> (c) the tariff of professional fees
> . . .
>
> The . . . by-laws of the board must first be approved by the members at a general meeting and published in the Québec Official Gazette with notice that at the expiration of thirty days following such publication they will be submitted to the Lieutenant-Governor in Council for approval. They shall not come into force until similar publication of a notice of such approval.

ENGINEERS

Section of the Engineers Act (R.S.Q. 1964, c. 262) granting authority to establish a tariff and providing for its coming into force:

> 10. The Corporation may enact by-laws:
> . . .
>
> (i) to fix tariffs of fees and determine the procedure for their implementation;
> . . .

No by-law shall come into force until approved by the Lieutenant-Governor in Council. The tariffs of fees must also be published in the Québec Official Gazette.

FOREST ENGINEERS

Section of the Forest Engineers Act (R.S.Q. 1964, c. 264) granting authority to establish a tariff and providing for its coming into force:

10. The board of management shall have the right to fix, for the services of the members of the Corporation, a tariff of fees which, when approved by the Lieutenant-Governor in Council and published in the Québec Official Gazette, shall be accepted in all courts of justice as proof of the value of such services, unless there be a written agreement to the contrary.

GUIDANCE COUNSELLORS

Section of the Act to incorporate the Corporation of Guidance Counsellors of Québec (S.Q. 1963, c. 100) granting authority to establish a tariff and providing for its coming into force:

7. The council may make by-laws for the conduct of the affairs of the corporation and in particular respecting

. . .

(c) the tariff of professional fees which, however, shall not apply to professional work done as a salaried employee and shall only come into force on approval by the Lieutenant-Governor in Council and after publication in the Québec Official Gazette;

. . .

The by-laws of the council, their amendment or repeal, unless ratified at a special general meeting called for that purpose, shall have effect only until the next annual general meeting and if not ratified thereat shall then cease to be in force.

To be executory, the by-laws must be approved by the Minister of Youth.

No tariff was adopted under this Act.

LAND SURVEYORS

Sections of the Land Surveyors Act (R.S.Q. 1964, c. 263) granting authority to establish a tariff and providing for its coming into force:

5. The Corporation shall have power:

. . .

(2) To pass by-laws, not inconsistent with the provisions of this act, for:

. . .

(f) Establishing fees for professional services;

. . .

52. Every new tariff and every modification of the tariff for the time being shall be approved by the Lieutenant-Governor in Council before having any force or effect.

LAWYERS

JUDICIAL FEES

Sections of the Bar Act (S.Q. 1966-67, c. 77) granting authority to establish a tariff and providing for its coming into force:

125. (1) Only advocates shall be entitled to judicial and extrajudicial costs.
(2) The General Council, by by-law subject to the requirements of section 14, may establish, change, and replace tariffs of judicial fees for advocates practising before the courts.
(3) The cost, fixed by the tariff, of a lawyer's letter or putting in default, whether suit is taken or not, shall be exigible from the debtor, whether in the case of a demand for payment in money or in that of a putting in default to perform or not to perform a service or act.

14. (1) No by-law shall be adopted under subsections 2 and 3 of section 13 unless the secretary-general has communicated a draft thereof to all members of the Order, at least thirty days beforehand.
(2) Moreover, a by-law adopted under subsection 3 of section 13 must be approved by the Lieutenant-Governor in Council and be published in the Québec Official Gazette.

(3) Subject to subsections 1 and 2, a by-law shall come into force after notice to the members of the Order and on such date as the General Council may determine.

LAWYERS

EXTRAJUDICIAL FEES

Sections of the Bar Act (S.Q. 1966-67, c. 77) granting authority to establish a tariff and providing for its coming into force:

125. (1) Only advocates shall be entitled to judicial and extrajudicial costs.

. . .

126. (1) Services justifying extra-judicial fees shall include, among others, attendances, travelling, notices, written and oral consultations, the examination, preparation, drafting, dispatch or delivery of any document, proceeding or record, and generally all other services required of an advocate.
(2) The General Council, by by-law subject to the requirements of section 14, may establish, change, and replace tariffs of extrajudicial fees.
(3) In the absence of such tariffs, or of an express agreement between the advocate and his client, an advocate shall be entitled to his extrajudicial costs on a basis of quantum meruit.

14. (1) No by-law shall be adopted under subsections 2 and 3 of section 13 unless the secretary-general has communicated a draft thereof to all the members of the Order, at least thirty days beforehand.

(2) Moreover, a by-law adopted under subsection 3 of section 13 must be approved by the Lieutenant-Governor in Council and be published in the Québec Official Gazette.
(3) Subject to subsections 1 and 2, a by-law shall come into force after notice to the members of the Order and on such date as the General Council may determine.

NOTARIES

Section of the Notarial Act (S.Q. 1968, c. 70) granting authority to establish a tariff and providing for its coming into force:

102. (1) The Board, by by-law, may establish, increase, reduce or otherwise alter the tariff of professional fees.
(2) Such by-law must be communicated to all practising notaries at least thirty days before it is adopted.
(3) After approval by the Lieutenant-Governor in Council, such by-law shall come into force fifteen days after publication thereof in the Québec Official Gazette.
(4) Copies of the tariff and of its amendments, and extracts therefrom, certified by the secretary, shall be prima facie evidence of their contents.

OPTOMETRISTS

Section of the Optometrists and Opticians Act (R.S.Q. 1964, c. 257) granting authority to establish a tariff and providing for its coming into force:

> 18. It is unlawful for any person to practise optometry in this Province unless he has first obtained a certificate of registration and a license from the council.
>
> The license to practise optometry in this Province must be signed by the president and the registrar. The seal of the Association must be thereunto affixed.
>
> The council may fix, change, and replace the tariff of fees for optometrists and opticians practising in the province. Such tariff shall come into force only upon approval by the Lieutenant-Governor in Council and publication in the Québec Official Gazette.

No tariff was adopted under this Act.

PHARMACISTS

Section of the Pharmacy Act (R.S.Q. 1964, c. 255) granting authority to establish a tariff and providing for its coming into force:

> 5. The Council of the College shall have power:
>
> . . .
>
> (11) To determine, change, and replace the tariffs of fees for professional

> acts relating to prescriptions. Nothing in this paragraph shall authorize the Council of the College to regulate or control the prices of drugs or poisons or the conditions of payment of such prices;
>
> . . .
>
> The by-laws contemplated in paragraphs 11, 13, 14, and 15 shall be published in the Québec Official Gazette with a notice that at the expiration of thirty days following such publication they will be submitted for approval by the Lieutenant-Governor in Council. They shall not come into force until after similar publication of a notice of such approval.

No tariff was adopted under this Act.

PHYSICIANS

Section of the Medical Act (R.S.Q. 1964, c. 249) granting authority to establish a tariff and providing for its coming into force:

> 15. Without restricting the power and authority conferred by section 14 upon the Provincial Medical Board, the said Board, for the purposes and objects comprised in the said section, as well as for matters enumerated in the present section, shall have power:
>
> . . .
>
> (15) To fix, change, or replace tariffs of professional fees which, however, shall only come into force upon approval by the Lieutenant-Governor in Council and after publication in the Québec Official Gazette.

No tariff was adopted under this Act.

PSYCHOLOGISTS

Section of the Act respecting the Corporation of Psychologists of the Province of Québec (S.Q. 1962, c. 88) granting authority to establish a tariff and providing for its coming into force:

> 7. The council may make by-laws for the conduct of the affairs of the corporation and in particular respecting
> . . .
>
> (c) the tariff of professional fees which, however, shall only come into force on approval by the Lieutenant-Governor in Council and after publication in the Québec Official Gazette;
> . . .
>
> The by-laws of the council, their amendment or repeal, unless in the meantime ratified at a special general meeting called for that purpose, shall have effect only until the next annual general meeting and if not ratified thereat shall then cease to be in force.

No tariff was adopted under this Act.

SPEECH THERAPISTS AND AUDIOLOGISTS

Section of the Speech Therapists and Audiologists Act (R.S.Q. 1964, c. 256) granting authority to establish a tariff and providing for its coming into force:

> 7. The board may make by-laws for the conduct of the affairs of the society, and in particular for the following purposes:
> . . .
>
> (e) to establish the tariff of professional fees which, however, shall not come into

> force until after publication in the Québec Official Gazette, subject to the provisions of the last paragraph;
> . . .
>
> To be executory, the by-laws contemplated in paragraphs b, c, d, and e must be published in the Québec Official Gazette with notice that at the expiration of sixty days following such publication, they will be submitted to the Lieutenant-Governor in Council for approval. They shall not come into force until after similar publication of a notice of such approval.

No tariff was adopted under this Act.

URBANISTS

Section of the Act to incorporate the Corporation of Urbanists of Québec (S.Q. 1963, c. 101) granting authority to establish a tariff and providing for its coming into force:

> 7. The council may make by-laws for the conduct of the affairs of the corporation and, in particular, respecting:
> . . .
>
> (i) the tariff of professional fees which, however, shall only come into force on approval by the Lieutenant-Governor in Council and after publication in the Québec Official Gazette.
>
> The by-laws of the council, their amendment or repeal, unless in the meantime ratified at a special general meeting called for that purpose, shall have effect only until the next general meeting and if not ratified thereat shall then cease to be in force.

APPENDIX 2

FEE SCHEDULES NOW IN FORCE

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AGRONOMISTS

TARIFF OF PROFESSIONAL FEES

(Regulation of the Corporation des agronomes, Division V: "Tariff of professional fees", sections 33 and 34, Statutory Regulations, Québec Official Publisher, 1972, p. 9-331)

Division V
TARIFF OF PROFESSIONAL FEES

33. Except as regards paid agronomists practising their profession for their customary employer, practising agronomists must request from their clients, for professional services rendered, in addition to all legitimate disbursements or expenses incurred in the exercice of their duties on the service of their clients, professional fees of at least the equivalent of $75 for each 6-hour working day.

34. In order to foresee, conciliate or pacify any dispute which may arise between an agronomist and his client or employer respecting the value of the services rendered by a member of the Corporation, the administrative council, upon application made to the syndic by the client or employer, may order an inquiry by 3 agronomists appointed by it who shall within a reasonable delay, transmit their report to the administrative council which shall decide finally.

It shall be derogatory for a member of the Corporation to refuse to submit himself to the inquiry ordered under the aforesaid conditions, or to refuse to accept or neglect to carry out the decision of the administrative council rendered following such inquiry.

This section shall also apply *mutatis mutandis* to relations between agronomists.

ARCHITECTS

ARCHITECTS' TARIFF

(Statutory Regulations,
Québec Official
Publisher, 1972,
p. 9-371)

1. The architects' tariff

1. Services of the architect

1.10 General professional services: Without limiting the scope of the Act or of the Association's code of ethics or by-laws with regard to the extent of the functions of an architect, the architect's professional services consist, among other things, in taking the client's instructions; preparing the preliminary studies required; making preliminary estimates when requested by the client; co-ordinating the work of consultants, preparing working drawings, specifications and detail drawings; helping draft tender, proposal and contract forms and acting as consultant on such tenders and proposals; supplying the contractor with copies of drawings and specifications relative to the contract; checking shop drawings; exercising general supervision over the work, issuing payment certificates; approving and certifying accounts.

1.11 The professional services of the architect also consist in preparing appraisals or expert reports in connection with all matters mentioned in section 1.10.

1.20 Preliminary studies: Preliminary or initial studies constitute the graphic interpretation of the programme as provided by the client, including sketches followed by preliminary drawings and summary specifications.

1.21 Sketches, in the form of free-hand or line drawings, summarily express the design of a project and show the architect's conception of the siting of building or buildings.

1.22 Preliminary drawings are plans made from the chosen sketch, drawn to suitable scale. They must include all floor plans, sections and elevations necessary for clear understanding of the project. Preliminary drawings may be made for a maximum of 3 sketches.

1.23 Summary specifications must list briefly the materials to be used, as well as state the type of structure and other contemplated facilities.

1.24 Any change of programme or site during preparation of preliminary studies entitles the architect to additional remuneration.

1.30 Preliminary estimates: Preliminary estimates, based on preliminary studies, represent the approximate cost of the undertaking, serve to orient the project, and allow for revision of the programme or budget as required.

1.40 Working drawings: Working drawings comprise the site plan, plans for all floors and roofing, sections, front, rear and side elevations and certain essential details; they are drawn to convenient scale and enable a contractor to prepare his tender and to construct the projected work.

1.41 Details drawings: Detail drawings are usually large scale representations of certain parts of a building, clearly showing arrangements, assemblies, profiles and dimensions; they may be furnished with the working drawings or when construction is in progress.

1.5 Specifications: Specifications include both general conditions or clauses governing the agreement with the contractor and descriptive specifications for all materials and their actual use.

1.6 Project supervision: General supervision consists in periodic inspections required under the building contract and carried out by the architect or his assistant. It also includes checking shop drawings, issuing payment certificates to the contractor and instructing the contractor in the interpretation of the architect's plans and specifications.

1.7 Clerk of works: If constant supervision has to be exercised while construction is in progress, the architect, with the approval of his client, shall assign a clerk of works whose salary shall be approved and reimbursed by the client.

1.8 Payment certificates: At regular prearranged intervals, the architect shall submit to his client certificates authorizing payment to the contractor; these attest that, in the architect's opinion and according to information on hand, the contractor is entitled to the payment mentioned therein.

2. Calculation of fees

2.1 Percentage of cost: The architect's fees shall be calculated as a percentage of the "total cost of the project".

2.2 Total cost of the project: The term "total cost of the project" shall be taken to mean total expenditure required for completion if construction takes place. Total cost also includes works of art and all permanent fittings necessary for occupancy, the contractor's overhead and profit and all taxes normally applicable. If construction does not ensue, total cost shall mean expected expenditure based on estimates. Total cost shall not include the architect's fees and disbursements, those of consulting engineers or experts, or the salary of the clerk of works. If the client supplies labour or materials at lower than current prices, or if secondhand materials are used, the cost for all materials and labour required to complete the project shall be the same as if all materials employed were new and all labour paid at rates prevailing when the project was commissioned.

2.3 The "total cost of the project" does not include the cost of engineering works related to the specific use of a building, such as those required for production, manufacturing, treatment or processing.

3. Other contractual provisions covering unforeseen circumstances during construction

3.1 If unforeseen, critical circumstances arise when the project is under way, the architect may, following provisions specified in the contract when applicable, order or have carried out on behalf of the client and as the latter's agent, urgent work considered necessary or advisable in the client's interest or for public protection. The cost of such work then becomes part of the "total cost of the project".

3.2 Ownership of documents: All drawings, scale models, specifications and documents prepared by the architect are instruments for use in carrying out a project and remain his property whether the structure is erected or not. The architect retains his vested interest in them and they may not be used for any other project unless he gives his consent and is paid according to the conditions contained in this rate structure.

4. Determination of fees

4.1 The following 2 principles shall jointly constitute the basis of payment.

4.11 Fee rates shall vary inversely with the total cost of the project.

4.12 Expenses remaining equal, fee rates shall increase according to types of buildings and in direct ratio to the complexity of structures, extent of studies and research, the difficulties in carrying out the project and assumed liabilities.

4.2 Provided this classification in no way restricts or broadens the scope of architectural practice as defined under the Act, buildings shall fall into one of the 4 categories below according to their type and complexity. Buildings not listed in any of these categories shall belong in the category which they most closely resemble.

In the event of substantial change in degree of complexity of certain buildings or works, their classification in the established categories may be modified jointly by the client and the Council of the Association of Architects. Should disagreement arise on the classification of a given project, the matter shall be settled through negotiations between the client and the Council of the Association so as to arrive at proper classification with regard to the established categories.

1st category

4.201 Industrial, commercial or agricultural buildings including large vacant spaces.

4.202 Large open garages.

4.203 Sheds, warehouses, stables.

4.204 Drill halls.

4.205 Aircraft hangars.

2nd category

4.210 Commercial establishments.

4.211 Administration buildings, including city halls and court houses, of simple construction.

4.212 Elementary schools.

4.213 Bathing establishments.

4.214 Motels and marinas.

4.215 Barracks.

4.216 Small railway or bus stations.

4.217 Maintenance and repair garages.

4.218 Shops.

4.219 Apartment buildings, multiplefamily dwellings or row housing.

4.220 Office buildings.

4.221 Military structures.

4.222 Fire and police stations.

4.223 Recreation centres, dining halls, summer camps for youngsters.

4.224 Slaughter-houses.

4.225 Industrial buildings housing mechanical engineering works such as water filtration, sedimentation and puniping equipment or heating plants.

4.226 Funeral homes and crematoriums.

4.227 Enclosed garages.

4.228 Stadiums.

4.229 Gymnasiums.

4.230 Penal institutions.

4.231 Indoor skating rinks and arenas.

3rd category

4.240 Administration buildings.

4.241 Banks.

4.242 Places of worship.

4.243 Studios, buildings housing radio and television transmitting equipment and telephone exchanges.

4.244 Museums, libraries.

4.245 Theatres, concert halls, movie-houses, entertainment halls, casinos, clubs.

4.246 Laboratories, hospitals, clinics, orphanages, homes for the aged.

4.247 Hotels, Restaurants.

4.248 Harbour, river, road and railway stations, airports.

4.249 Family dwellings, villas, residences and private mansions.

4.250 Colleges or specialized schools, universities.

4.251 Normal, secondary or polyvalent schools.

4th category

4.260 Interior decoration of living quarters and exhibition stands.

4.261 Public gardens, drives, fountains.

4.262 Commemorative and funeral monuments.

4.263 Any transformation work whatever involving the architect's responsibility to a greater extent than the market value of structures erected.

4.264 Restoration of historic monuments, buildings, or interiors.

4.265 Exhibition pavilions.

4.266 Furnishings.

4.3 Schedule of fees: For each category, fees shall be set in proportion to the total project cost which, for this purpose, is broken up into 10 divisions according to the following schedule:

Tranches *Divisions*	Coût total de l'ouvrage *Total cost of the project*		Honoraires *Fees* 1ère catégorie *1st category*	2e catégorie *2nd category*	3e catégorie *3rd category*	4e catégorie *4th category*
1ère *1st*	jusqu'à/*up to*	$ 62,500	4.5%	5.5%	6.5%	10%
2e *2nd*	de/*from*	$ 62,500	$ 2,812.50	$ 3,437.50	$ 4,062.50	$ 6,250.00
	à/*to*	$ 125,000	plus 4.25%*	plus 5%*	plus 6%*	plus 9%*
3e *3rd*	de/*from*	$ 125,000	$ 5,468.75	$ 6,562.50	$ 7,812.50	$ 11,875.00
	à/*to*	$ 250,000	plus 4%*	plus 4.5%*	plus 5.5%*	plus 8%*
4e *4th*	de/*from*	$ 250,000	$ 10,468.75	$ 12,187.50	$ 14,687.50	$ 21,875.00
	à/*to*	$ 500,000	plus 3.75%*	plus 4%*	plus 5%*	plus 7.25%*
5e *5th*	de/*from*	$ 500,000	$ 19,843.75	$ 22,187.50	$ 27,187.50	$ 40,000.00
	à/*to*	$ 1,000,000	plus 3.5%*	plus 3.9%*	plus 4.7%*	plus 6.6%*
6e *6th*	de/*from*	$ 1,000,000	$ 37,343.75	$ 41,687.50	$ 50,687.50	$ 72,500.00
	à/*to*	$ 2,000,000	plus 3.25%*	plus 3.80%*	plus 4.5%*	plus 6%*
7e *7th*	de/*from*	$ 2,000,000	$ 69,843.75	$ 79,687.50	$ 95,687.50	$132,500.00
	à/*to*	$ 4,000,000	plus 3%*	plus 3.70%*	plus 4.3%*	plus 5.5%*
8e *8th*	de/*from*	$ 4,000,000	$129,843.75	$153,687.50	$181,687.50	$242,500.00
	à/*to*	$ 8,000,000	plus 2.75%*	plus 3.6%*	plus 4.25%*	plus 5%*
9e *9th*	de/*from*	$ 8,000,000	$239,843.75	$297,687.50	$351,687.50	$442,500.00
	à/*to*	$10,000,000	plus 2.70%	plus 3.55%*	plus 4.20%*	plus 4.85%*
10e *10th*	de/*from*	$10,000,000	$293,843.75	$368,687.50	$435,687.50	$539,500.00
	et au-delà/*and over*		plus**	plus**	plus**	plus**

*de cette tranche ou partie d'icelle — *of this portion or part thereof.*

**plus un pourcentage de l'excédent de dix millions de dollars devant être négocié entre le client et l'architecte concernés — *plus a percentage on the amount exceeding ten million dollars, to be negotiated between the client and the architect concerned.*

4.4 If architects who are not in partnership are jointly commissioned, the fees shall be increased by 25%. This applies to work costing under $5,000,000 or to that amount when the cost is higher.

4.5 When the client retains a second architect as consultant in addition to the architect commissioned for the project, the latter's fees shall not be reduced thereby.

5. Consultants

5.1 Consulting engineers such as structural mechanical and electrical engineers retained in connection with construction of a building are deemed to be consultants.

5.2 All other experts accepted by both client and architect and hired for the project are also deemed to be consultants.

5.3 Consultants' fees shall be in addition to those specified for the architect in this rate structure and shall be paid by the client.

6. Alterations, restoration and extensions

6.1 For all alteration or restoration work, fees in the applicable category shall be increased by 50%. For vertical and lateral extensions, the same increase shall apply to the first 2,000 square feet of floor area.

7. Research

7.1 Fees may be calculated on an hourly basis when studies are needed for fully preparing a programme, determining land areas involved in a programme, setting standards and other requirements or undertaking any other research in architecture and associated fields.

8. Housing complex

8.1 For services relating to a series of housing units in the 3rd category, the architect shall be entitled to the applicable fees based on the cost of the first complete house, plus 10% of this amount for each additional unit built from the same plans and specifications, in the same housing complex, at the same location and for the same client. In addition, the architect shall receive 50% of applicable fees for supervising work done on each additional unit.

8.2 For series of housing complex units of the 2nd category, the architect shall be entitled to the following fees:

8.21 For each of the second and third units: 50% of applicable fees.

8.22 For each subsequent unit: 40% of applicable fees.

9. Apportionment of fees

9.1 For any partial work, the architect's fees shall be based on the total cost of the project or an estimate of the total cost, as follows:

9.11 For preliminary studies and estimates: 25% of applicable fees. For sketches only: 15% of applicable fees. When the extent of services is less than what is provided for above, per diem fees shall apply.

9.12 For preliminary studies working drawings and detail drawings: 60% of applicable fees.

9.13 For preliminary studies, working drawings, detail drawings and specifications: 70% of applicable fees.

9.14 For work supervision only when plans, specifications and detail drawings are provided by another architect: 40% of applicable fees.

10. Work by the day

10.1 When the method for calculating fees according to percentages listed in this rate structure does not apply, and when the architect provides services for purposes such as mentioned under section 7.1, or such as consultations, recommendations, investigations, inspections or purchases of material or equipment, reports, judicial inquiries, court testimony or other similar services, he shall be entitled to fees proportional to his responsibilities and established in accordance with a basic *per diem* minimum as follows.

10.2 During the period of time between the coming into force of this tariff and April 25, 1970, the *per diem* rates for principals and architects, based on a working day of 6 hours shall not be lower than the following:

	per day
10.21 Principals	$140
10.22 Senior assistants	126

10.23 Starting April 25, 1970 the following rates will apply

10.24 Principals	150
10.25 Senior assistants	135

10.3 If the working day is shorter or longer than 6 hours, time shall be paid in proportion to *per diem* rates.

10.4 The daily rate for the architect whose services are secured for judicial inquiries shall be twice the above rates.

10.5 During the period of time between the coming into force of this tariff and April 25, 1970, the following scale shall be paid when *per diem* rates are used for architects, draftsmen and secretarial personnel.

		per hour
10.510	Senior architects	$18.50
10.511	Intermediate architects	14.00
10.512	Senior draftsmen	14.00
10.513	Intermediate draftsmen	11.00
10.514	Junior architects	9.50
10.515	Junior draftsmen	7.50
10.516	Secretarial personnel	5.50

10.517 Starting April 25, 1970, the following rates will apply:

10.518	Senior architects	20
10.519	Intermediate architects	15
10.520	Senior draftsmen	15
10.521	Intermediate draftsmen	12
10.522	Junior architects	10
10.523	Junior draftsmen	8
10.524	Secretarial personnel	6

10.6 Time spent in the architect's office, the client's premises or elsewhere shall be counted. Time spent travelling during regular working hours shall be billed accordingly; outside regular working hours, a maximum of 3 hours a day shall be charged.

10.7 Furthermore, the architect must be reimbursed for all reasonable expenses incurred while dispensing his services.

10.8 Any other service provided by personnel not included in the above list shall be paid on the basis of the actual cost of gross salaries increased by 150%.

11. Property assessments

11.1 For preparing property assessments requiring detailed surveys and estimates, fees shall be 40% of those indicated in each category under section 4.3, based on the current replacement value of the property, plus fees based on the daily work rates for time spent before the courts or other public bodies to certify such assessments.

12. Building and quantity surveys

12.1 Fees for work done by the day shall apply to the preparation of surveys for existing buildings.

12.2 For evaluating work done or to be done, fees for work by the day shall apply, but minimum fees shall be 2% of the current replacement value of the property.

13. Work not carried out

13.1 In addition to fees based on the total cost of the work carried out, the architect shall be entitled to receive payment for all work stipulated in the client's instruction but not subsequently carried out.

14. Additional services

14.1 All major modifications resulting from a change of site or programme and made while plans are being prepared or a project is being carried out shall entail additional fees. In the absence of previous agreement between client and architect, rates for work by the day shall apply to these additional services.

14.2 If after having approved a specific plan, the client asks for modifications leading to additional services or expenses resulting from changes in working drawings, specifications or anything else, or if the architect is called upon to render additional services or incur expenses because of delays caused by the client or a contractor, or as a result of default, insolvency or death of one or other of the two interested parties, or attributable to an act of God, the architect shall receive fair payment for such services and additional expenses.

14.3 For additional services required to bring drawings up to date, record all construction changes resulting from revisions to original drawings and prepare new plans incorporating such changes, the architect shall be paid on the basis of rates for work done by the day.

15. Separate contracts with subcontractors and cost-plus contracts

15.1 When a project is carried out under separate contracts with subcontractors, the architect's fees shall be increased by 20%, except when mechanical and electrical work is involved, or when the contract calls for the project to be completed at cost with a percentage or set fee added.

16. Expenses

16.1 Fees listed in this schedule shall apply to projects within a radius of 50 miles from the architect's office. When the construction site is beyond this limit and compels the architect to spend more time and money for travel, telephone calls or telegrams, the client shall reimburse him for such additional expenses.

16.2 When the architect travels at the client's request, the latter shall pay all expenses.

16.3 When, on behalf of his client, the architect incurs expenses for expert opinions, permits from public authorities, additional copies of drawings or documents (over 10 copies) and all other extras, including negatives of working drawings requested by the client, the latter shall repay the cost, plus 10% for administration charges.

17. Cancellation or suspension of projects

17.1 If a project undertaken by the architect is cancelled or deferred by the client, in whole or in part, the architect shall be entitled to the applicable part of fees based on estimated total cost of the project.

18. Information which the client must provide

18.1 The client must provide the architect with complete data for the site including all surveying information and details required for siting buildings: elevations and street lines, pavements, adjacent properties and constructions on the site; he must also give the architect full information on rights, obligations, servitudes, boundaries and contours related to the construction site, and on sewer, water, gas, electricity or similar services (or reimburse the architect for expenses incurred for that purpose). The client shall pay for borings or soundings, chemical, mechanical or other tests and inspections. The client shall also pay for any advertisement concerning tender calls, permits, licenses, etc., and necessary legal services.

19. Payment of fees

19.1 Fees shall be due and payable as services are performed by the architect in the proportion indicated under section 9. "Apportionment of fees", and, in other cases, when services have been rendered.

19.2 Fees for supervising construction work shall be due and payable monthly in proportion to the work done and, unlike payments to the contractor, they shall not be subject to withholding.

19.3 For complex or long-lasting projects, the architect may receive partial fee payments, within limits corresponding to the apportionment given under section 9, during the preparation of preliminary studies, working drawings or specifications, on a monthly or other basis according to whatever agreement may have been reached between the architect and his client.

20. Official version

20.1 The French version of this tariff shall be considered as the official tariff of fees for professional services rendered by members of the Association of Architects.

CHARTERED APPRAISERS

TARIFF OF PROFESSIONAL FEES

(Regulation of the Corporation of Chartered Appraisers, Division XI: "Tariff of professional fees", sections 11.1 to 11.7, Statutory Regulations, Québec Official Publisher, 1973, p. 9-750-3)

Division XI
TARIFF OF PROFESSIONAL FEES

11.1 Application: The tariff of fees provided for in this by-law determines the minimum pay which the appraiser shall receive, in the practice of his profession, for his professional services.

The tariff provided for in this by-law does not apply, however, in the preparation of the valuation roll for tax purposes.

11.2 Expenses: Any expense incurred by the appraiser on his client's behalf, with the authorization of the latter, must be billed to the client in addition to the minimum fees provided for in this tariff.

11.3 Remuneration basis: The appraiser and his client may decide to calculate the appraiser's remuneration either on an hourly basis, a percentage basis, or on a contract basis.

11.4 Remuneration on an hourly basis: The members of the Corporation must receive the following minimum fees from their clients when they are paid on an hourly basis:

(a) chartered appraiser	$25
(b) appraiser in training	15
(c) student appraiser	8.

The services of any other person are paid at a pay rate increased by 150%.

11.5 Remuneration on a percentage basis: When the appraiser and his client agree that the appraiser's remuneration will be calculated on a percentage basis, the following minimum tariff will apply:

(a) Landed rights and property:

(i) Property without buildings:

5% of the amount for the first	$ 20,000
4% of the amount for the following	30,000
3% of the amount for the following	50,000
2% of the amount for the following	100,000
1% of the amount over	200,000.

(ii) Property with buildings:

5% of the amount for the first	$ 40,000
4% of the amount for the following	30,000
3% of the amount for the following	50,000
2% of the amount for the following	100,000
1% of the amount over	220,000.

(b) Landed rights and property:

10% of the amount for the first	$ 20,000
8% of the amount for the following	10,000
6% of the amount for the following	30,000
4% of the amount for the following	50,000
2% of the amount for the following	100,000
1% of the amount over	210,000

The fees on a percentage basis are calculated on the amount of the indemnity granted, in kind or in cash, in principal and damages.

11.6 Remuneration on a contract basis: The appraiser and his client may agree that the appraiser's remuneration, instead of being calculated on an hourly or percentage basis, will be determined as a contractual sum taking into account the difficulties in effecting the appraisal and the time needed to study the file and the testimony to be given by the appraiser before the appropriate courts.

The fees established by contract must never be contingent to the conclusion of the appraiser's study.

11.7 Expert appraisement: In matters of expert appraisal when evaluation for taxation is contested, and in matters of evaluation for financing purposes, the appraiser will be paid on an hourly or contract basics.

ENGINEERS

ENGINEERS' TARIFF OF FEES

(Statutory Regulations,
Québec Official Publisher,
1972, p. 9-405)

3. Engineer's tariff of fees

1. Engineer's tariff of fees: Fees to which members of the Corporation of Engineers of Québec are entitled for their services.

2. Interpretation: In this regulation the following expressions mean:

(a) "Corporation": the Corporation of Engineers of Québec;

(b) "engineer": a member of the Corporation or the holder of a temporary licence issued by the Corporation;

(c) "tariff": the engineer's tariff of fees.

3. This tariff determines the minimum remuneration which the engineer in consulting practice must receive for professional services rendered, in the absence of an agreement stipulating a higher remuneration.

Division I
ENGINEERING SERVICES

4. The engineering services offered by Consulting Engineers cover almost every aspect of our industrial economy. For the purpose of determining an appropriate fee basis, the engineer's services may be divided into the following 6 broad divisions:

(1) Advisory services

(2) Preparatory studies

(3) Preliminary plans and specifications

(4) Final plans and specifications

(5) Services during construction

(6) Special services relative to the project

These divisions are described in the following paragraphs.

§1. *Advisory Services*

5. These services may consist of consultation, advice, expert testimony, appraisals, valuations, rate structure and tariff studies, inspection, testing or other services concerning the collection, analysis, evaluation and interpretation of data and information leading to specialized conclusions and recommendations.

§2. *Preparatory Studies*

6. These are services to establish the basis for the preparation of plans and specifications for projects having peculiar characteristics.

They may consist of investigations, exploration, surveys, soil investigation, analysis of conditions or of several alternative plans, including economic studies, operating costs and similar matters, as a basis for conclusions and recommendations on the undertaking of a specific project. They also include surveys and investigations for alterations, and additions to existing works.

§3. *Preliminary Plans and Specifications*

7. These services include the preparation and the submission by the engineer of such technical documents as sketches, preliminary plans, specification notes, preliminary estimate of the cost of the works and/or report to clearly indicate his concept of the design, for approval and acceptance by the client. In highway engineering, they also include surveys and layouts required for the preparation of the preliminary plans.

8. The preparation of these preliminary documents may be based on information supplied directly by the client or, when section 6 applies, on the results of preparatory studies approved by the client. It does not include detailed studies of alternate methods, materials or systems, which are to be carried out under the preparatory studies with the client's approval.

§4. *Final Plans and Specifications*

9. These services follow after the basis for final design has been established under the foregoing, and has been submitted to and formally accepted by the client. They shall include the following:

(a) preparation of drawings suitable for construction purposes;

(b) preparation of complete specifications and tender documents;

(c) revision(s), as may be necessary, of the preliminary estimate;

(d) analysis of tenders and recommendations for acceptance or rejection as deemed advisable;

(e) lists of quantities, including estimated unit prices for works normally awarded on a unit-price basis;

(f) for road and bridge projects, surveys and layouts required for the preparation of final plans.

§5. *Services During Construction*

10. Office services: These consist of office services during the construction period as described hereunder:

(a) advice to the client on questions that may develop during construction and which require technical consideration, but no visits to the construction site;

(b) verification of shop drawings and manufacturer's drawings to ensure that these are in general conformity with plans and specifications issued by the engineer;

(c) correspondence related to the construction work;

(d) approval of alternatives in methods and materials after agreement with the client.

11. Field services (non-resident): These consist of field services during construction as described hereunder:

(a) periodic visits to the site of the project by the engineer or his deputy to ascertain that the progress of the works, the execution thereof and the quality of materials and workmanship are in general conformity with the contract documents,

(b) guidance to the contractor in the interpretation of the plans and specifications issued by the engineer;

(c) in the case of lump sum construction contracts only, verification of claims for payment and issuance of certificates for progress and final payments.

12. Where the importance of the works under construction, or the complex and exacting nature thereof, requires a comprehensive supervision and detailed inspection, it is recommended that the client avail himself of the field resident services, section 13.

13. Field resident services: These services comprise the following:

(a) appointment of a resident staff which devotes its full working time to technical guidance on the project, field inspection, test control (quality control services shall be provided by the client and remain under the engineer's jurisdiction), progress reports and recording of any changes resulting from job site conditions. This resident staff shall not be called upon to assume the functions of the contractor, such as directing persons employed by the said contractor or determining the construction procedure or the methods and equipment to be used;

(b) In the case of lump sum or unit price contracts only, preparation or verification of claims for payment and issuance of certificates recommending progress and final payments. This service does not apply to unit price contracts for mechanical and electrical works for buildings;

(c) final inspection and supervision of the performance trials of machinery and equipment installed to determine whether the performance guarantees have been met;

(d) supply to the client of a copy (on translucent, sepia-type material which readily lends itself to duplicating) of revisions to the original drawings, to show the works as built;

(e) recommendation for acceptance of the works.

§6. *Special Services Relative to the Project*

14. These services comprise certain additional work which the client may require relative to the project. These services are optional and shall be authorized by the client. Among such special services are:

(a) coordination of the work of other consultants and/or other parties involved in the project;

(b) preparation of detailed lists of materials for the project including reinforcing bar schedules and any additional sketches or plans to expedite the construction work in the cases not covered under paragraph 9c;

(c) preparation of detailed cost estimates in the cases not covered under paragraph 9c,

(d) procurement of materials and equipment, acting as agent of the client for this purpose,

(e) expediting and scheduling of materials and equipment;

(f) verification of contractors' claims for payment, when field services are provided, in those cases not covered paragraphs 11c or 13b,

(g) preparation of manuals for operation and maintenance of the plant,

(h) assistance in the initial operation of the plant;

(i) training of technical operating personnel,

(j) preparation for or appearance in litigation on behalf of the client.

Division II
SCHEDULE OF FEES

15. The method of computing the fees and/or charges for engineering services depends as a general rule on the scope of the services required. For the purpose of this tariff, there are 3 schedules of fees, namely:

(a) schedule A or *per diem* basis;

(b) schedule B or salary basis;

(c) schedule C or percentage basis.

16. The following table indicates, for each of the various services described in sections of division I, whether or not each of the said schedules of fees is applicable.

Division	Modes de rémunération / *Schedule*		
	Méthode Per Diem / *Per Diem basis*	Méthode du salaire / *Salary basis*	Méthode de pourcentage / *Percentage basis*
1. Services consultatifs *Advisory services*	oui *yes*	oui *yes*	non *no*
2. Etudes préparatoires *Preparatory studies*	oui *yes*	oui *yes*	non *no*
3. Plans et devis préliminaires *Preliminary plans and specifications*	oui *yes*	oui *yes*	oui *yes*
4. Plans et devis définitifs *Final plans and specificatin*	oui *yes*	oui *yes*	oui *yes*
5. Services durant la construction *Services during construction*	oui *yes*	oui *yes*	oui *yes*
6. Services spéciaux relatifs au projet *Special services relative to the project*	oui *yes*	oui *yes*	non *no*

As a rule, the percentage basis is not appropriate for "Special Services Relative to the Project" and this tariff does not provide any percentage rates for such services. However, except for 14 j above, this does not rule out the possibility for the parties of reaching an agreement for payment of such services on a percentage basis. In that event, the engineer shall inform the Corporation about services he has undertaken to provide and the rate that has been agreed upon.

17. When more than one schedule of fees is involved for a given project, it is recommended that the engineer and client formally agree to the basis of computing the fees for each of the specific services required, in accordance with the table above.

18. The methods of computation and the application of the foregoing schedules to the various engineering services are explained in the following.

§1. *Per Diem Basis*

19. The *per diem* basis is applicable to all engineering services but is recommended for such services as consultations, advisory services, reports, establishing data and requirements for design, research, investigations, inspection of material or equipment, court cases and similar services.

20. As of April 25, 1970, the *per diem* rates for principals, executive and chief engineers shall not be less than:

	Day
(1) Principals	$150
(2) Executive and chief engineers	$135

21. For the purpose of calculating the remuneration on the *per diem* basis, 6 hours shall be taken as a working day; if more or less than 6 hours in any one day is occupied by the work, the time shall be charged in proportion to the daily rate.

22. When *per diem* rates are used for other classes of engineers and for staff assistants, the charges as of April 25, 1970, shall be as follows:

Engineers

	Hour
(3) Senior engineers	$20
(4) Intermediate engineers	15
(5) Junior engineers	10

Staff assistants

(1) Senior technicians and draftsmen	12
(2) Intermediate technicians and draftsmen	10
(3) Junior technicians and draftsmen	8
(4) Clerical staff on reports or other documents directly applicable to the work	6

23. All time expended on the work whether in the engineer's office, at the client's premises, or elsewhere, shall be included. If travelling time is required during normal working hours, the time so used is properly chargeable. If such travelling is done outside of normal working hours, the time is chargeable up to a maximum of 3 hours per day.

24. The actual time, to the nearest half hour, spent on the project by the engineer and his staff must be properly recorded daily.

25. Engineers and staff assistants may be classified into the above groups by determining for each staff member involved his "hourly rate", as defined in the salary basis, section 31, plus 150% to arrive at his gross hourly rate, each being thereupon assigned to the group closest to his gross hourly rate.

26. In addition, the engineer shall be reimbursed for the actual cost of all disbursements made by him for expenses properly incurred in the performance of his services, including those specific items defined in section 63.

27. Should the client desire at any time to inspect or audit the consulting engineer's time and out-of-pocket expense records in order to substantiate the time and expenses claimed for the project, the engineer will allow such inspection or audit at a mutually agreeable time. The engineer shall render all assistance required to facilitate such inspection or audit.

§2. *Salary Basis*

28. The salary basis is applicable to all engineering services, but is recommended particularly where it is not possible to state accurately the scope of work at the time the engineer is retained for the project or when the cost of engineering services required does not bear the usual relationship to the cost of the works.

29. Table of rates: The engineer is to be remunerated on the following basis:

On the 1st $10,000 of "salary cost" or on any portion thereof: salary cost + 150%;

On the 2nd $10,000 of "salary cost" or on any portion thereof: salary cost + 140%;

On the 3rd $10,000 of "salary cost" or on any portion thereof: salary cost + 130%;

On the 4th $10,000 of "salary cost" or on any portion thereof: salary cost + 120%;

On the 5th $10,000 of "salary cost" or on any portion thereof: salary cost + 110%;

On all amounts "salary cost" over $50,000: salary cost + 100%.

30. The "salary cost" consists of the total sum of the "remuneration" paid to engineers, technicians, draftsmen, employees engaged in technical work, and clerical staff working on reports, specifications and other documents directly applicable to the project, as distinguished from general, executive and administrative services.

31. The "remuneration" is defined as the product of the number of hours expended on the project including overtime and travelling time, as defined in section 23, by the "hourly rate" established for each individual. The "hourly rate" is established by dividing by 1,800 hours the gross annual salary including any regular allowances paid to the employee but exclusive of all fringe benefits. This number of hours includes an allowance for vacation and legal holidays.

32. The actual hours, to the nearest half hour, spent by the engineer and his staff on each individual project must be properly recorded daily, and the client will be charged only for the actual time spent on his project.

33. Principals, executive and chief engineers to the extent that they perform technical and advisory services applicable to the particular project shall be paid according to the *per diem* schedule. In addition, the consultant shall be reimbursed for the actual cost of all disbursements made by him for expenses properly incurred in the performance of his services as outlined in section 63.

34. The cost items to be borne by the engineer include such costs as: salary fringe benefits, i.e., group life, accident and health insurance, pension fund, sickness pay; salaries and travelling related to administration; office rent; light; telephone service and operator; business and water taxes; liability fire and theft insurance; depreciation charges; office supplies; bank charges; office equipment repairs and maintenance; bookkeeping and filing costs; normal legal and auditing charges; office design standard manuals and drawings; messengers; subscriptions to engineers' associations and trade magazines; library and librarian; technical abstracts; publicity; reasonable office space for the client's nominee; and other similar costs.

35. When the salary basis is used to compute the fees for part of the services in any given case, the amount of fees earned under the *per diem* basis and/or the percentage basis shall be taken into account, in their chronological order, in determining the applicable rate under the salary basis.

36. Should the client desire at any time to inspect or audit the Consulting Engineer's time, salary and out-of-pocket expense records in order to substantiate the time and expenses claimed for the Project, the Engineer will allow such inspection or audit at a mutually agreeable time. The Engineer shall render all assistance required to facilitate such inspection or audit.

§3 Percentage Basis

37. This method is applicable for engineering services, as listed in subdivisions 3, 4 and 5, for projects of conventional design. This implies that preparatory studies have been completed to clearly define the scope and extent of the project and that such studies point to a conventional design for the project.

38. Complexity of work: The engineer is expected to render his professional services for many different types of works required by industry, commerce and public works authorities. It is recognized that problems of design and construction involved in the planning of a complex project create a greater burden of responsibility and cost on the engineer than would be encountered in a project of elementary design having the same magnitude of overall cost.

39. The complexity of projects must be taken into account in establishing percentage fees commensurate with the amount of work and the responsibility involved in the performance of the engineer's professional services.

40. Classification of works: In consideration of the above, a classification of works in 4 categories is provided. This classification does not intend to limit or extend the field of practice of engineering, which field is defined in the law. Its purpose is to furnish the client and the engineer with a basic criterion for classifying works according to their complexity from an engineering viewpoint. The works not included in the listing of any of these categories belong to the category of works to which they have the greatest analogy as to complexity. In the event of a substantial change in the degree of complexity of certain works, their classification into the established categories may be modified jointly by the client and the Council of the Corporation or the committee appointed by the Council for that purpose. In the event of a disagreement as to the classification of specific works, the matter shall be settled by arbitration carried out at the level of the client and the Council of the Corporation or the committee appointed to that effect. The tables of fees appropriate to each category are given herein under sections 57, 58, 59 and 60.

41. General engineering: The fees for the engineering services for a general engineering project shall be computed by applying the proper category rate, such category being selected in accordance with this classification, to the total cost of the engineering works of the project (including those of buildings comprised in the project, if any). The fees include normal coordination services relative to the works designed by the engineer. When, as prime consultant, the engineer is required by the client to perform coordination services relative to work designed by other consultants, the engineer is entitled for such services to an extra remuneration, these services coming under section

14. Fees for architectural services, where applicable, are over and above those of the engineer.

42. *Category I:*

(1) bridges and viaducts;

(2) small dams excluding hydrological studies, catchment basins, flood control walls, embankments and retaining walls;

(3) storm sewers and surface drainage systems;

(4) water and sewage tunnels (free-air);

(5) irrigation systems excluding pumping stations;

(6) simple collector systems for domestic and industrial sewage;

(7) water distribution systems;

(8) highways, controlled-access expressways in rural surroundings, including interchanges and other related works, highway lighting;

(9) landing fields, small airports with minimum facilities;

(10) playgrounds, landscaping, grading and paving.

43. Category II:

(1) bridges and viaducts whose non-repetitive elements, curvature, skew and inclination are important factors, tunnels;

(2) flood control works and pumping stations;

(3) large interceptor and relief sewers;

(4) locks, canals, wharves and simple harbour works;

(5) streets, sidewalks, controlled-access expressways in urban surroundings, including interchanges and other related works;

(6) large airports with extensive facilities;

(7) food processing plants and breweries;

(8) simple textile mills;

(9) mines, ore processing plants and foundries;

(10) electrical substations, power lines and distribution systems, excluding arctic and muskeg installations;

(11) diesel-electric generators under 1,000 Kw. capacity;

(12) railways including tunnels and normal facilities;

(13) industrial assembly plants;

(14) silos and grain elevators.

44. Category III:

(1) high dams of arched or hollow-gravity type with special control features, also earth or rock fill dams over 200 ft. high;

(2) complex harbour works including freight handling facilities;

(3) very complex engineering works;

(4) water purification plants;

(5) primary and secondary sewage treatment and disposal plants;

(6) treatment and disposal of industrial wastes;

(7) hydro and thermal power plants;

(8) gas turbine plants and diesel generators over 1,000 Kw. capacity;

(9) material handling and conveying systems;

(10) pulp, paper and board mills;

(11) power line carrier, VHF and HF systems, for relaying and communication;

(12) micro-wave communication, television and radio broadcasting.

45. Foundations and structures for buildings: The fees for services regarding the foundations and structure of a building shall be computed by applying the proper category rate, such category being selected in accordance with this classification, to the cost of the said works.

46. Category I:

(1) warehouses and large open structures of multiple bays and elementary schools without gymnasiums or auditoriums;

(2) armouries, hangars and public garages with flat roofs;

(3) machine shops, light manufacturing plants and other industrial buildings of a typical bay-construction.

47. Category II:

(1) arenas, auditoriums, hospitals, sanatoriums, clinics and research laboratories;

(2) schools with gymnasiums and/or auditoriums, recreational buildings, libraries and theatres;

(3) large office buildings, hotels and apartments;

(4) retail stores, shopping display centres;

(5) buildings in category I, requiring piling or other special treatment of the foundations.

48. Category III:

(1) monumental buildings, churches and museums;

(2) industrial buildings of complex construction, where the form of the building is determined by equipment.

49. Mechanical and electrical systems for buildings: The fees for services regarding the mechanical and electrical systems for a building shall be computed by applying the proper category rate, such category being selected in accordance with this classification, to the cost of the said works.

50. Whenever portions of the works fall into different categories, the fees shall be the lesser of the amounts obtained as follows:

(a) by applying the applicable category rate to each corresponding portion of the cost of the works and totalling these results;

(b) by applying the highest of the applicable category rates to the aggregate cost of the works.

51. Category I: Non-existent.

52. Category II: Conventional plumbing and heating. Conventional lighting and power distribution. Exhaust ventilation with simple ductwork.

for the following buildings:

Warehouses, armouries, hangars, public garages, light manufacturing plants.

53. Category III: Plumbing, hot water or steam heating, electrical heating, lighting and power distribution, air conditioning without ductwork.

for the following buildings:

Large apartments and hotels over 5 stories in height. Elementary schools. Auditoriums, recreational buildings, arenas. Buildings for commercial office use or exhibition purposes. Retail stores and shopping centres. Laboratories. Simple hospitals, clinics, sanatoriums, polyvalent schools or high schools, universities and industrial buildings.

54. Category IV:

(a) Full Ventilation systems. Air conditioning with ductwork for induction and all-air systems. Refrigeration.

for any and all types of buildings.

(b) Plumbing and heating (hot water, steam or electrical) lighting and power distribution, air conditioning without ductwork.

for all the following buildings:

Hotels and apartments up to and including 5 stories. Research laboratories. Hospitals, clinics, sanatoriums. Polyvalent schools or high schools, universities and industrial buildings. Monumental buildings, churches, museums, libraries and theatres. Thermal power plants.

55. Costs of engineering works:

(a) The cost of the engineering works, except as hereinafter provided in paragraphs 55 (b), (c), (d), (e), shall mean the cost to the owner of the following items necessary to complete the engineering works and for which the engineer renders professional services, and/or for which he is responsible:

(i) labour;

(ii) materials;

(iii) equipment;

(iv) expenses;

(v) the share of the general contractor's general expenses, overhead and profit which is applicable to the engineering works. This share is to be determined by a prorata distribution of said amount based on the list of costs supplied by the general contractor;

(vi) all federal, provincial and municipal sales taxes, although the owner may have special exemption from some of these.

(b) Whenever the owner furnishes material or equipment, labour or other service that is incorporated in the engineering works, the fair market value of the materials or equipment as though they were purchased new and current prices of labour or other services when the work was executed, shall be included in the total cost of the engineering works.

(c) Whenever used material or equipment is furnished by the owner or by a contractor at the owner's request, the fair market value of the materials or equipment as though they were purchased new, shall be used to compute the cost of engineering works.

(d) No deductions shall be made from the cost of the engineering works on account of any claim by the owner for any reason whatever or of other sums withheld from any contractor.

(e) The cost of the engineering works shall not include any professional fees and expense reimbursements paid or due by the owner nor the cost of the site on which the works are located.

58. Tables of minimum percentage fees: The minimum percentage fees are given in the following tables for the 4 categories of works. The fees indicated in column A of each table cover the professional services outlined in subdivisions 3, 4 and sections 10, 11 and 12 only of division I, as for the fees indicated in column B of each table, they cover the professional services outlined in subdivision 3, 4, and 5 only of division I.

57 TABLE OF FEES FOR WORKS OF CATEGORY I

Cost of Works	Column A Fees for Services 3 — 4 — 5A — 5B	Column B Fees for Services 3 — 4 — 5A — 5B — 5C
Less than $50,000	Not less than 6.6% or Per Diem or Salary Basis	Not less than 10% or Per Diem or Salary Basis
$ 50,000 to $ 100,000	$ 3,300 on first $ 50,000 plus 6.0% on next $ 50,000	Not less than 10% or Per Diem or Salary Basis
100,000 to 200,000	6,300 on first 100,000 plus 5.0% on next 100,000	$ 10,000 on first $ 100,000 plus 8.0% on next $ 100,000
200,000 to 500,000	11,300 on first 200,000 plus 4.9% on next 300,000	18,000 on first 200,000 plus 7.0% on next 300,000
500,000 to 1,000,000	26,000 on first 500,000 plus 4.8% on next 500,000	39,000 on first 500,000 plus 6.7% on next 500,000
1,000,000 to 2,000,000	50,600 on first 1,000,000 plus 4.6% on next 1,000,000	70,000 on first 1,000,000 plus 5.8% on next 1,000,000
2,000,000 to 6,000,000	96,000 on first 2,000,000 plus 4.0% on next 4,000,000	128,000 on first 2,000,000 plus 5.5% on next 4,000,000
6,000,000 to 10,000,000	256,000 on first 6,000,000 plus 3.6% on next 4,000,000	348,000 on first 6,000,000 plus 5.1% on next 4,000,000
10,000,000 or over	400,000 on first 10,000,000 plus *	552,000 on first 10,000,000 plus *

58 TABLE OF FEES FOR WORKS OF CATEGORY II

Cost of Works	Column A Fees for Services 3 — 4 — 5A — 5B	Column B Fees for Services 3 — 4 — 5A — 5B — 5C
Less than $50,000	Not less than 7.7% or Per Diem or Salary Basis	Not less than 10.8% or Per Diem or Salary Basis
$ 50,000 to $ 100,000	$ 3,850 on first $ 50,000 plus 6.4% on next $ 50,000	Not less than 10.8% or Per Diem or Salary Basis
100,000 to 200,000	7,050 on first 100,000 plus 5.8% on next 100,000	$ 10,800 on first $ 100,000 plus 8.7% on next $ 100,000
200,000 to 500,000	12,850 on first 200,000 plus 5.4% on next 300,000	19,500 on first 200,000 plus 7.5% on next 300,000
500,000 to 1,000,000	29,050 on first 500,000 plus 5.2% on next 500,000	42,000 on first 500,000 plus 6.6% on next 500,000
1,000,000 to 2,000,000	55,050 on first 1,000,000 plus 4.9% on next 1,000,000	75,000 on first 1,000,000 plus 6.1% on next 1,000,000
2,000,000 to 6,000,000	104,050 on first 2,000,000 plus 4.4% on next 4,000,000	136,000 on first 2,000,000 plus 5.9% on next 4,000,000
6,000,000 to 10,000,000	280,050 on first 6,000,000 plus 4.0% on next 4,000,000	372,000 on first 6,000,000 plus 5.5% on next 4,000,000
10,000,000 or over	440,050 on first 10,000,000 plus *	592,000 on first 10,000,000 plus *

59 TABLE OF FEES FOR WORKS OF CATEGORY III

Cost of Works	Column A Fees for Services 3 — 4 — 5A — 5B	Column B Fees for Services 3 — 4 — 5A — 5B — 5C
Less than $50,000	Not less than 8.8% or Per Diem or Salary Basis	Not less than 11.6% or Per Diem or Salary Basis
$ 50,000 to $ 100,000	$ 4,400 on first $ 50,000 plus 6.8% on next $ 50,000	Not less than 11.6% or Per Diem or Salary Basis
100,000 to 200,000	7,800 on first 100,000 plus 6.6% on next 100,000	$ 11,600 on first $ 100,000 plus 9.6% on next $ 100,000
200,000 to 500,000	14,400 on first 200,000 plus 5.9% on next 300,000	21,000 on first 200,000 plus 8.0% on next 300,000
500,000 to 1,000,000	32,100 on first 500,000 plus 5.6% on next 500,000	45,000 on first 500,000 plus 7.0% on next 500,000
1,000,000 to 2,000,000	60,100 on first 1,000,000 plus 5.2% on next 1,000,000	80,000 on first 1,000,000 plus 6.5% on next 1,000,000
2,000,000 to 6,000,000	112,100 on first 2,000,000 plus 4.8% on next 4,000,000	145,000 on first 2,000,000 plus 6.3% on next 4,000,000
6,000,000 to 10,000,000	304,100 on first 6,000,000 plus 4.4% on next 4,000,000	397,000 on first 6,000,000 plus 5.9% on next 4,000,000
10,000,000 or over	480,100 on first 10,000,000 plus *	633,000 on first 10,000,000 plus *

60 TABLE OF FEES FOR WORKS OF CATEGORY IV

Cost of Works	Column A Fees for Services 3 — 4 — 5A — 5B	Column B Fees for Services 3 — 4 — 5A — 5B — 5C
Less than $50,000	Not less than 10% or Per Diem or Salary Basis	Not less than 12.4% or Per Diem or Salary Basis
$ 50,000 to $ 100,000	$ 5,000 on first $ 50,000 plus 7.4% on next $ 50,000	Not less than 12.4% or Per Diem or Salary Basis
100,000 to 200,000	8,700 on first 100,000 plus 7.1% on next 100,000	$ 12,400 on first $ 100,000 plus 10.1% on next $ 100,000
200,000 to 500,000	15,800 on first 200,000 plus 6.4% on next 300,000	22,500 on first 200,000 plus 8.5% on next 300,000
500,000 to 1,000,000	35,000 on first 500,000 plus 6.0% on next 500,000	48,000 on first 500,000 plus 7.4% on next 500,000
1,000,000 to 2,000,000	65,000 on first 1,000,000 plus 5.5% on next 1,000,000	85,000 on first 1,000,000 plus 6.8% on next 1,000,000
2,000,000 to 6,000,000	120,000 on first 2,000,000 plus 5.2% on next 4,000,000	153,000 on first 2,000,000 plus 6.7% on next 4,000,000
6,000,000 to 10,000,000	328,000 on first 6,000,000 plus 4.8% on next 4,000,000	421,000 on first 6,000,000 plus 6.3% on next 4,000,000
10,000,000 or over	520,000 on first 10,000,000 plus *	673,000 on first 10,000,000 plus *

*Plus a percentage on the amount exceeding $10 million, to be negotiated between the client and the engineer(s) concerned

61. Further conditions of the percentage basis:

(a) The engineer shall be reimbursed for the "Defined expenses" section 63, which are not included as part of the percentage fees indicated in the above tables. The engineer shall supply the client, as part of the percentage fees, up to 10 copies or all specifications and drawings, printed on opaque paper, required for tender and construction purposes. Any additional copy as well as any negative type copy required shall be paid for by the client at the cost of reproduction, except as provided by subsection 13 (d).

(b) The minimum fee for the services mentioned in subdivision 3 and 4 only shall be 70% of the values listed in column A of the foregoing tables of section 57, 58, 59 and 60.

(c) When the engineer is retained for the services during construction listed in sections 10, 11 and 12, on work for which the plans and specifications have been prepared by others, he shall be paid a minimum of 40% of the values listed in column A of the appropriate foregoing table of sections 57, 58, 59 and 60.

(d) When the engineer is retained for services during construction as listed in sections 10, 11, 12 and 13, on work for which the plans and specifications have been prepared by others, he shall be paid according to the values listed in column B, less 60% of the corresponding value in column A, of the appropriate foregoing table of sections 57, 58, 59 and 60.

(e) Where the engineer has completed the "final plans and specifications" on a percentage basis, and the client desires the development of a new alternative design, the cost of such service shall be computed on the basis of 85% of the fee for the services described in subdivision 3 and 4, i.e., 85% of 70%, for each additional alternative design.

(f) If the client desires to duplicate the construction of works, for which the engineer has been retained for the original design, a charge of 20% of the values listed in column A of the appropriate foregoing tabulated fee shall be made for each reuse of the plans and specifications. Furthermore, for any modification to the plans and specifications due to a change in the location, the engineer shall be remunerated on a *per diem* or salary basis. For each duplication of the works, the services during construction of sections 10, 11 and 12, shall be remunerated at 30% of the values indicated in column A of the table referred to above, except in the case explained in subsection c of this section when this percentage shall be 40%.

62. Modifications to projected works:

(a) When the engineer has been engaged on a percentage basis, modifications to projected works called for by the client impose additional work on the part of the engineer or render useless some of the work already done.

These modifications may reduce, extend or change the already approved scope and program, or the already approved "preliminary plans and specifications", or the already approved "final plans and specifications."

In any such case, the situation shall be called to the attention of the client prior to starting the additional work and the engineer shall be remunerated over and above the percentage fee according to a special agreement to be reached on the appropriate method of remuneration.

(b) When the engineer has been engaged on a percentage basis, modifications called for by the client during the "construction phase" impose on the engineer additional work for revisions to plans and specifications, for analysis and negociations of contractors' prices on these revisions; this additional work shall be remunerated on the *per diem* or salary basis.

(c) When the engineer has been engaged on a percentage basis, if it should become necessary for the engineer to redraw the plans or to make revisions for reasons over which he has no control, or if the engineer is put to labour and expense by the delinquency or insolvency of the client or of a contractor or sub-contractor, or as a result of suspension of work or damage to the work in progress by fire or otherwise, the engineer shall be equitably paid for such extra work on the *per diem* or salary basis, plus any out-of-pocket expenses. In any such case, the situation shall be called to the attention of the client prior to starting the additional work and separate cost records shall be kept by the engineer.

§4. *General Conditions Pertaining to 3 Schedules of Fees*

63. Defined expenses: The "defined expenses" referred to in 3 schedules are as follows:

(a) living and travelling expenses of employees and principals when away from the home office on business connected with the project;

(b) identifiable communication expenses such as long distance telephones, costs of job telephone, teletype, telegraph, postage and express charges;

(c) cost of outside services such as soil and material tests and reports; special inspections and special legal, accounting, stenographic or audit services, and other work for which it is necessary to use the services of other persons or firms;

(d) identifiable reproduction costs such as blueprinting, photostating, mimeographing, printing, etc., except as otherwise provided in this tariff;

(e) for resident services, the cost of providing field office facilities and expenses arising out of special risks. Travelling, living and moving expenses for families and dependents of staff, with the consent of the client.

64. Cooperation: The client shall furnish the engineer with the following information and plans except when the engineer is specifically required by the client to provide some of these as part of his services under subdivision 2.

(a) a correct survey of the side showing existing utilities servicing same and any other facility;

(b) accurate plans of and other relevant data on any existing buildings or works;

(c) any other pertinent information which may affect the work to be done;

(d) a copy of all tenders and contracts for the works for which the engineer is responsible and a copy of all certificates for payment and final accounts in connection with the works if these do not originate in the engineer's office.

65. Payments: When the engineer is remunerated according to the percentage basis, with invoices issued periodically, these must then be drawn up as follows:

(a) for the services of subdivision 3 and 4, in proportion to the completed part of his work, up to 70% of the values listed in column A of the appropriate foregoing table of sections 57, 58, 59 and 60, based on the estimated cost of the works until such time as the latter can be established from either the accepted tender or the lowest acceptable tender, plus chargeable expenses and amounts owing by virtue of section 62, if any;

(b) for the services of subdivision 5 and in proportion to the completed portion of the works.

66. Procedure for changes to the tariff: The Council of the Corporation may at any time make a by-law to change this tariff, but the said by-law may not be submitted for the approval of the Lieutenant-Governor in Council before it has been approved by the vote of at least half plus one of the members attending a special general meeting of the members of the Corporation, duly called for that purpose.

67. Changes to the tariff may be proposed to Council by a request bearing the name, address and signature of at least 25 members of the Corporation. The proposals shall be considered by Council within 90 days from their receipt and, if approved by Council shall become a by-law which must be submitted to the membership within a reasonable delay, as described above. In case of rejection by Council, the reasons for such rejection shall be made known to those who made the request within the said 90 day delay.

FOREST ENGINEERS

TARIFF OF FEES OF MEMBERS OF THE CORPORATION OF FOREST ENGINEERS

(Statutory Regulations, Québec
Official Publisher, 1972,
p. 9-485)

2. Tariff of fees of members of the Corporation of Forest Engineers

1. Unless different and more advantageous agreements have been made, the forest engineer shall choose one or the other of the following methods, to calculate his professional fees:

(a) Hourly method: The forest engineer may calculate his fees on an hourly basis. In this case, the hourly tariffs should not be lower than the following tariffs:

for a regular day (6 hours)	$125
for each additional hour	25

According to this method, in the calculation of fees, all the time spent in the interest of the client either in the field, the office or elsewhere, shall be taken into account, as well as the time involved in travelling in the client's interest. In addition to the fees herein above established, the forest engineer shall be entitled to the reimbursement of:

(i) all expenses incurred within the exercise of his functions on the client's behalf, including, should the occasion arise, consultation costs with another professional that he has deemed necessary;

(ii) the salaries of help required to carry out the work. Moreover, such salaries shall be increased by 150% to cover office expenses and depreciation of the required equipment.

(b) Percentage method: The forest engineer may, in cases of appraisals, supervision, multiple use management plans or others, calculate his tariff of fees according to a percentage of the cost of the works to be carried out. However, for preliminary studies and inquiries held to prepare plans and estimates, the tariff of fees shall be calculated according to the hourly method. In all cases, fees shall not be lower than the ones given by the calculation based on the hourly method.

For the preparation of plans and estimates, presentation of final projects, including plans and documents being part of a proposed project, descriptive plans and estimates with their justified unit prices, the whole being the overall estimate of the cost of carrying out the project, all supplementary plans, texts, drawings, sketches, studies, rough draughts relating to the plan and all other documents basically used to call for tenders, the forest engineer shall be entitled to the following fees based on the cost of the plan or plans approved,

Cost of works	Percentage
Less than $ 100,000	3.6
$ 100,000 to $ 200,000	3.3
$ 200,000 to $1,000,000	3.0
$1,000,000 to $5,000,000	2.7
$5,000,000 to $6,000,000	2.64
$6,000,000 to $7,000,000	2.58
$7,000,000 to $8,000,000	2.52
$8,000,000 to $9,000,000	2.46
$9,000,000 or more	2.4

If he has the entire supervision of the works, the forest engineer shall be entitled in addition to the following fees based on the total cost of each of the approved plans;

Cost of works	Percentage
Less than $ 100,000	6.40
$ 100,000 to $ 200,000	5.70
$ 200,000 to $1,000,000	4.00
$1,000,000 to $5,000,000	3.30
$5,000,000 to $6,000,000	3.26
$6,000,000 to $7,000,000	3.22
$7,000,000 to $8,000,000	3.18
$8,000,000 to $9,000,000	3.14
$9,000,000 or more	3.10

2. Whatever method is used in the calculation of fees, the forest engineer, in all cases, reserves the rights to add to the client's account all justified expenses that were not provided for in the conditions of the contract or when the cost of his services were estimated.

LAND SURVEYORS

TARIFF OF LAND SURVEYORS AND GEOMETERS OF QUEBEC

(O.C. 590-73, 21/2/73;
Québec Official Gazette,
part 2, 14/3/73, p. 427,
and 28/3/73, p. 949)

TARIFF

LAND SURVEYORS AND GEOMETERS OF QUÉBEC

GENERAL PROVISIONS

Section 1

1.1 *Factors used in establishing fees:* For studying the fees prescribed by this tariff, the following factors have been taken into consideration:

(*a*) the obligation of assuring the public competent services;

(*b*) the time required to perform certain works for which the operations can be entrusted to specialized employees, and those employees' wages,

(*c*) the fringe benefits;

(*d*) the overhead expenses of a land surveyor's office;

(*e*) the obligation of carrying out land surveys with an accuracy dictated by the nature of the survey and the value of the land surveyed,

(*f*) the proficiency of land surveyor in executing highly specialized surveys;

(*g*) the keeping of records and files;

(*h*) the normal fees that a land surveyor in private practice has a right to expect from his activity, in order to provide first for his living and that of his family, and then for proper retirement;

(*i*) the professional responsibility of the land surveyor.

1.2 *Economic conditions which govern the fees prescribed by this tariff:* The fees prescribed by this tariff are governed by the economic conditions existing on January 1 1972, and are linked to the consumer price index for the City of Québec during the month of December 1971 (105.6).

1.3 *Compulsory character of the tariff:* Each member of the Corporation of Land Surveyors and Geometers of Québec must apply the present tariff, even when answering requests for tenders by private parties or public bodies. This tariff having been established for a just remuneration of works correctly executed according to the rules of the profession, any rebate could only be detrimental to the quality of the work, and, consequently, detrimental to the client and to public interest in general.

1.4 *Work carried out for the Government of Québec :* All work carried out for the Government of Québec shall be remunerated according to the fees established prior thereto, provided that such fees be established by a land surveyor in accordance with sections 2, 3, 5, 11 and 14 of this tariff.

1.5 *Contestation:* A Québec land surveyor in disagreement with his client over the amount of his fees, before taking any legal proceedings, either as plaintiff or defendant, submits the account to a Commission of Arbitration appointed annually by the Board of the Corporation. This Commission applies the tariff in all fairness, without prejudice to the rights of the parties.

1.6 *Publication of this tariff:* A copy of this tariff is available to the interested public in every Québec land surveyor's office and in any other place determined by law.

CHAPTER I

GENERAL RATES

Section 2
Professional fees

The professional fee of land surveyor for any professional act, consultation attendance, supervision, travel, expert investigation etc., is fixed at a minimum of $30 per jour.

The hourly rate of a land surveyor who is an employer, based on a minimum six-hour day, is $25

Section 3
Technical personnel

Over and above the professional fees specified in section 2, the Québec land surveyor collects:

3.1 The reimbursement of the salary cost of wages paid to employees during a survey, plus 150% of this cost. Exception is made for employees specified in section 3.2.

An employee's hourly salary cost is established by multiplying by 1.2 his hourly gross salary. The hourly salary cost can also be established as follows:

(1) for a working week of 37.5 hours:

$$\text{hourly salary cost} = \frac{\text{gross annual salary}}{1625}$$

(2) for a working week of 40 hours:

$$\text{hourly salary cost} = \frac{\text{gross annual salary}}{1733}$$

3.2 Reimbursement of the salary paid, plus 50%, to every non-permanent employee who is supernumary to a regular technical crew composed of 3 members.

3.3 The reimbursement of all disbursements and expenses incurred for the account of the client.

Explanatory notes to section 3

A. The gross salary is the remuneration paid to the employee before deductions. It does not include the portion of fringe benefits paid by the employer.

B. The difference between the gross salary and the salary cost is the difference between the time paid to the employee and the time that can be charged to the client, either because of vacations, holidays and paid sick leaves or because of the particular nature of the profession. This difference must be paid by the employer in order to keep specialized personnel, and shall derive principally from:

—adverse climatic conditions: cold, snow, rain and wind;

—short daylight hours during winter;

—the forced time of inactivity of the technical aides, time spent in the office by their crew chiefs for the immediate preparation of the field work;

—or the collation of survey notes;

—or the examination with the land surveyor of any survey problem requiring his decision and arising during the course of a survey;

—or any research which they sometimes have to do themselves, due to the urgency of the work, the distance from the office, or when the need for this research does not arise during the field work.

C. The administration expenses and land surveyor's fee, fixed at 150% of the salary cost, include:

(1) all the general costs of a land surveyor's office: rent, electricity, telephone, mailing, office furniture, renewal and upkeep of material, capital expenditures, bad debts, financing, various taxes, insurance, depreciation, accounting, upkeep and maintenance of the records, legal fees, subscriptions, and other similar costs;

(2) all expenses relative to employees: that part of the fringe benefits paid by the employer including unemployment insurance, the Québec Pension Plan, the Minimum Wage Commission payments, group insurance (life, accident, sickness, salary, pension), Medicare, Workmen's Compensation;

(3) clerical espenses (salary of secretary(ies) not chargeable to the client in particular);

(4) that part of 150% which the land surveyor's fee represents for time spent in managing the office, such fee not being chargeable to the client.

Section 4

Supplementary fees

4.1 *General observations*

4.1.1 Over and above the fees and reimbursements provided for in sections 2, 3 and 5, and the specific fees provided for in sections 7 to 10 inclusive, the minimum fees of the Québec land surveyor include as a supplement the fees specified in sections 4.2 to 4.4, for field survey works carried out on properties or constructions of high value, taking into account the proximity of said constructions to the minimum observable setback lines.

4.1.2 The supplementary fees calculated according to sections 4.2 to 4.4 are reduced by 50% if the emplacement in question has been the object of a bornage signed by all parties and duly registered, so long as the bornes still exist on the field.

4.1.3 During construction, or when one or more of the provisions of section 4 are applicable, the same Québec land surveyor is allowed to chage only once the possible maximum of supplementary fees; if need be, the supplementary fees already charged by virtue of one of the provisions of sections 4.2 to 4.4 must be deducted from the maximum supplementary fees finally charged.

4.2 *Category A*

Supplementary fees for a vacant emplacement

4.2.1 *Conditions of application:* Section 4.2 applies to any field survey work carried out on a vacant emplacement, the market value of which is $2.50 or more per square foot and over which no construction is immediately proposed.

4.2.2 *Basic value:* The basic value used for this section 4.2 is equal to the excess of the market value of the emplacement over $2.50 per square foot.

4.3.3 *Tariff:*

$8.00 per thousand dollars of basic value up to $10,000 basic value;

plus $4.00 per thousand dollars of basic value for the excess up to $20,000 basic value;

plus $2.00 per thousand dollars of basic value for the excess up to $30,000 basic value;

plus $1.00 per thousand dollars of basic value for the excess up to $40,000 basic value;

plus $0.50 per thousand dollars of basic value for the excess over and above $40,000 basic value;

4.3 *Category B*

Supplementary fees for any structure other than a building:

4.3.1 *Conditions of application:* Section 4.3 applies to any structure of high value other than a building, when the field survey work consists in the establishment of reference markers or of reference axis, or in checking the site of the structure with respect to such markers or axis.

4.3.2 *Basic value:* The basic value used for the present section 4.3 is the contract value of the structure when completed.

4.3.3 *TaRIFF*

$2.40 per thousand dollars of basic value up to $100,000 basic value;

plus $1.20 per thousand dollars of basic value for the excess up to $200,000 basic value;

plus $0.60 per thousand dollars of basic value for the excess up to $300,000 basic value;

plus $0.30 per thousand dollars of basic value for the excess up to $400,000 basic value;

plus $0.15 per thousand dollars of basic value for the excess over and above $400,000 basic value.

4.4 *Categories C to F*

Supplementary fees for a vacant emplacement when construction is immediately contemplated, under way or completed.

4.4.1 *Conditions of application:* Section 4.4 applies:

(*a*) to the vacant emplacement when the field survey work consists in setting markers to be used directly for the immediate construction of a building, the value of which once completed is $50,000 or more, whether these markers determine the property limits or building site reference points or axis; or

(*b*) to the emplacement built or under construction, when the value of the building once completed is or shall be $50,000 or more.

4.4.2 *Basic value:* The basic value used in the present section 4.4, is the total market value of the emplacement and of the buildings once completed, reduced by $50,000.

4.4.3 *Tariff norms:* The supplementary fees specified in the present section 4.4 are a function of the position of the building, existing or proposed, on the emplacement with respect to minimum setback lines fixed by any law, by-law, or Deed. A minimum setback line for the purposes of the present section is:

(*a*) Any front, side or rear minimum setback line required for the building, including the basement, and including the minimum distances required for openings or projections. Failing any other minimum setback line, the limits of the emplacement are considered as such.

According to the distance existing between the building and the required minimum setback lines, the rates are divided into four categories:

Category C:

If all the parts of the building are at more than 15 feet from the required minimum setback lines.

Category D:

If the parts of the building nearer to the required minimum setback lines are placed between five and fifteen feet from the said lines.

Categories E:

If less than ¾ of the overall building perimeter is at less than five feet from the required minimum setback lines.

Category F.

If ¾ or more of the overall building perimeter is at less than five feet from the required minimum setback lines.

(*b*) Any maximum height or depth allowed for a building, when fixed by an elevation or a dimension.

4.4.4 *Tariff Rates with respect to the minimum required setback lines, front, side or rear:*

Tarif supplémentaire par $1,000 de valeur de base *Supplementary fees per thousand dollars of basic value* Catégorie *Category* C	Catégorie *Category* D	Catégorie *Category* E	Catégorie *Category* F
$1.20	$1.50	$1.80	$2.10
$0.90	$1.20	$1.50	$1.80
$0.60	$0.90	$1.20	$1.50
$0.45	$0.60	$0.90	$1.20
$0.30	$0.45	$0.60	$0.90
$0.15	$0.30	$0.45	$0.60

4.4.5 *Tariff Rates with respect to maximum allowable height or depth:* Supplementary fees apply if the building is at five feet or less from the maximum allowable height or depth. The fees are $0.20 per thousand dollars of basic value, with a minimum supplementary fee of $50.00.

Section 5

Special Electronic Instruments

5.1 *Distance, angle or azimuth measuring instruments*

(*a*) *instruments:*

Minimum tariff: an hourly rate of ¼ of 1% of the purchase price of the instrument when new. The time charged is the time of the actual use of the instrument, with a minimum of one hour;

(*b*) *operators:* The fees are those stipulated in section 3, sub-paragraph 1. The time payable is computed from the time of departure from the office until the time of return thereto.

5.2 *Electronic computers, programmable desk calculators and their personnel*

5.2.1 *Minimal definition:* Is considered a computer in the present Section, any electronic instrument using programs that can at least solve in one sequence a figure of plane geometry (for instance: solve all the ele-

ments of a triangle). This definition generally includes programmable desk calculators.

5.2.2 *Tariff norms*

(*a*) The rates for computer use are calculated differently if the land surveyor owns or rents a computer placed in his office, or if he subscribes to the services of a central computer situated outside of his office, to which he can be connected or not by an auxiliary unit situated within his office.

(*b*) The rates are based on the computer time, defined as being the time during which the computer proceeds to calculations. This time is generally calculated automatically by the computer, except for simple computers where the operator must proceed himself to this calculation.

(*c*) To be invoiced separately according to section 3.1 is all the time spent for the logical preparation of data, for any attendance assuring the intercommunication with an outside computer, for feeding the computer, for checking the results, for their collation and their drafting.

5.2.3 *Tariff — Computer*

5.2.3.1 *The land surveyor owns a computer and (or) peripheral units:* Minimum hourly tariff: 25 X log K dollars, where K represents the cost when new, of the computer and (or) peripheral units, divided by 1000.

Operator(s) time is in supplement according to paragraph *c*, section 5.2.2.

5.2.3.2 *The land surveyor rents a computer and (or) peripheral units:* Minimum hourly tariff: 25 X log (4L) dollars, where L represents the minimum fixed monthly rental of the computer and (or) peripheral units divided by 100.

Operator(s) time is in supplement according to paragraph *c*, section 5.2.2.

5.2.3.3 *The land surveyor rents the services of an outside computer:* The minimum tariff is equal to twice the cost of the service, plus the time of the person(s) assuring the intercommunication with the computer, according to paragraph *c*, section 5.2.2. If a console or any other peripheral unit located in the office of the land surveyor permits an easier access to the outside rented computer, those units are tariffed according to the present section 5.2.3.3 or according to section 5.2.3.2, depending upon the payment stipulations included in the agreement between the land surveyor and the owner of those units.

5.2.3.4 *Material transformation of data to permit reading by the computer:* The fees and reimbursements for the material transformation of data to permit reading by the computer (for instance: card punching), whether this work is done in the office or outside and including the operator's salary, are the commercial prices for this type of work, plus 10%. To be invoiced separately is the logical preparation of data instructing the computer what sequence to use in the solution of problems, items covered by paragraph *c*, section 5.2.2.

CHAPTER II

SPECIFIC WORKS

Section 6
Application Limit

In the case of certain specific works exclusively limited to those described in Sections 7 to 16 inclusive, the minimum fees stipulated in those Sections apply, but only if those fees surpass the total amount of fees and reimbursements calculated according to Sections 2, 3 and 5 of the general rates.

Section 7
Staking

7.1 *Definition:* A staking is the material expression of a land surveyor's opinion upon the position of property limits. Depending upon his mandate, this may require one or more of the following operations:

(*a*) study of titles;

(*b*) search at the cadastral office;

(*c*) study of previous surveys and other sources of information;

(*d*) field survey of the general area and comparison of the measured occupation to the dimensions indicated by the titles, by the cadastre, and by the measurements shown on previous survey documents;

(*e*) final measurements and setting of markers;

(*f*) deposit and conservation in the land surveyor's records of survey notes and documents used.

Note: If necessary, a plan or written report may accompany the staking.

7.2 *Fees — staking:* The following minimum fees are subject to the requirements of section 6. When applicable, the supplementary fees specified in section 4 must be added:

(*a*) *For an isolated emplacement:*

1. Study of titles and search, minimum $35;

2. Establishment of property limits, setting of markers, minimum $100;

(*b*) *For more than one emplacement in the same project, when done at the same time:*

1. Study of titles and search, minimum $35;

2. Establishment of property limits, setting of markers, minimum $55 per emplacement;

(*c*) *Plan or written report of the staking:*

in addition to the above, and charged according to the general rates.

Section 8

Staking of the Position of Structures

8.1 *Definition:* The staking of the position of structures is the total of all the operations executed by a land surveyor in order to establish on the ground, from data shown on a plan and by stakes or other markers, the horizontal position of the corner angles of a construction layout, whether that proposed construction is a single-, double-, or multi-family house, or any other type of building or structure.

8.2 *Fees for staking the position of structures:* The following minimum fees are subject to the requirements of section 6. When applicable, the supplementary fees specified in section 4 must be added:

A. Staking the position of single- or double-family houses on isolated emplacements:

(*a*) on an emplacement previously staked, minimum $40;

(*b*) on an emplacement not staked, minimum $30; house plus the fees for staking the emplacement provided for in section 7.2, whether the staking of the emplacement does or does not form part of the land surveyor's mandate.

B. Staking the position of contiguous houses (semi-detached, or row-housing etc.):

(*a*) for each group of detached buildings, a minimum of $40 plus $20 per party wall erected between two properties;

(*b*) on any emplacement not staked, paragraph *a* above applies plus the fees for the staking provided for in section 7.2, whether the staking does or does not form part of the land surveyor's mandate.

C. For all other stakings of the position of structures: The general rates prevail.

Section 9

Certificate of Location

9.1 *Definition:* A certificate of location is a document prepared by a land surveyor, accompanied by a plan signed by him, and giving his opinion as to the situation and condition of an immoveable with respect to the titles, the cadastre and to certain laws and by-laws which may affect it.

A certificate of location cannot be issued against a property unless the property limits have been established by the land surveyor, except if the said property is already defined by existing markers.

If no markers exist, the fees for determining the property limits will be added to the fees for the certificate of location as provided for in sections 9.2.1 *b* and 9.2.2 *b*, whether are set or not.

The certificate of location generally contains the following:

(*a*) the date of the survey executed by the land surveyor;

(*b*) reference to the cadastre, or in its absence to the primitive plan; by express mandate, reference to the titles;

(*c*) summary description of the emplacement according to the observed occupation, mention of its agreement or disagreement with the cadastre and titles if necessary;

(*d*) summary description of the building or buildings, position of the building(s) with respect to the property limits, and if need be, mention of the stage of the construction work;

(*e*) reference to the compliance with municipal by-laws with regard to structure type and position;

(*f*) reference to the compliance with certain provincial health by-laws relating to dwellings in general;

(*g*) reference to the compliance with Articles 533 to 538 of the Civil Code governing openings and views;

(*h*) observations with respect to mitoyen walls;

(*i*) observations with respect to the existence or absence of homologated lines;

(*j* mention and description of apparent servitudes and of observed encroachments;

(*k*) opinion upon the position of the property limits and the necessity of a bornage;

(*l*) reference to the plan accompanying the certificate of location. This plan, to a convenient scale and properly oriented, identifies the emplacement and its cadastral meets and bounds, situates and identifies the structures on the emplacement, identifies the streets by name and cadastral number, shows the civic numbers if any and identifies the municipality;

(*m*) deposit and conservation of the certificate, plan, notes and documents used in the land surveyor's records.

9.2 *Fees — Certificate of Location:* The following minimum fees are subject to the requirements of section 6. When applicable, the supplementary fees specified in section 4 must be added:

9.2.1 *Isolated case:*

(*a*) on an emplacement which has obviously been surveyed previously, according to its occupation:

Study of titles. Search at the cadastral office and the municipality, survey of property, checking property limits without setting markers, calculations, preparation of plan and report, minimum $150;

follows however the tariff of section 9.2.2.*a*, the isolated certificate of location prepared by the land surveyor on a property of which he knows exactly the limits, because of previous surveys done by himself, and during which he has positioned their limits by offsets to permanent points still existing alongside the said limits;

(*b*) on any emplacement which previously never has been the object of a specific survey;

Whether the staking does or does not form part of the land surveyor's mandate and whether stakes are set or not: study of titles, search at the cadastral office and the municipality, survey of the property, determination of the property limits during the same attendance, calculations and preparation of plan and report, minimum $190.

9.2.2 For houses under construction in a residential project under intensive development

(*a*) On an emplacement previously staked:

1. Study of Titles, search at the Cadastral office and the municipality, minimum $35;

2. *Certificate of location:*

(*a*) isolated houses, minimum $90 per certificate and per house;

(*b*) contiguous houses (semi-detached or row-housing etc.), minimum $80 per certificate and per house;

b) On any emplacement not staked:

Whether the staking does or does not form part of the land surveyor's mandate and whether stakes are set or not, the fees of section 9.2.2.*a* apply plus a minimum of $55 per emplacement for determining limits.

Section 10

Renewal of a certificate of location

10.1 *Definition:* This is a document prepared by a land surveyor to bring up-to-date a certificate of location which was previously prepared by the same land surveyor.

The renewal of a certificate of location necessitates a site visit and all necessary additional searches.

10.2 *Fees* — Renewal of a certificate of location

(*a*) without modification to the terms of the existing certificate of location, minimum $75 per emplacement plus the supplementary fees of section 4 if applicable;

(*b*) if there are modifications, section 9 applies.

Section 11

Parcelling into emplacements

11.1 *Preliminary study and parcelling into emplacements*

11.1.1 *Preliminary study:* The preliminary study can include, among other things, the planimetric and topographic survey of the territory to be parcelled, the establishment of the property lines and their bornage if necessary, study of the titles and all other searches necessary to the survey.

11.1.2 *Reference to astronomic azimuth:* Reference to astronomic azimuth may be required for future cadastral division(s). It may be established:

(*a*) by tieing-in to an existing line situated in the vicinity, the astronomic azimuth of which is known;

(*b*) by an astronomic observation performed specially for the work under way.

11.1.3 *Parcelling into emplacements:* The parcelling into emplacements is the group of operations required to divide a given territory into parcels complying with previously established standards. It may include, among other things, the study of any regulations governing said parcelling out and any ancillary negotiations, the preparation of preliminary layouts and the calculations necessary for the preparation of undeposited dimentioned plans, excluding the calculations of the final plan used for cadastral deposit.

11.1.4 *Fees — Preliminary study, reference to astronomic azimuth and parcelling into emplacements:* These fees are established in accordance with the general rates. If, because of climatic conditions, a separate trip is made to the site for the special purpose of making an astronomic observation only, the land surveyor charges a minimum of $50, plus $0.50 per mile travelled, which includes the operators' salaries.

11.2 *Cadastral division*

11.2.1 *Definition:* Cadastral division is the group of operations which generally terminate in the official deposit of the parcelling-up plan for cadastral identification with the Department of Lands and Forests and with the Office of the Registry Division concerned.

Cadastral division is:

(a) the addition: by which a certain extent of land is given a distinctive official original number on the official original cadastral plan. This extent of land may not have been previously numbered, or may have been numbered differently.

(*b*) the subdivision: by which one or more lots, already deposited, are partially or totally parcelled up.

(*c*) the redivision: by which one or many subdivided lots previously deposited, are cancelled either partially or completely and replaced by others.

Note: These operations comprise the calculation of the final plan, the preparation of the plans and booksof reference, securing all approvals and documents necessary for the final transmission and official deposit.

11.2.2 *Fees — Cadastral Division:* Calculation of final plan preparation of the plans and books of reference, final approval by competent authorities and (or) transmission for official deposit; and when required by the Department of Lands and Forests, calculation and inscription of astronomical azimuths.

(*a*) *Basic tariff:* To the tariff of the present paragraph, it is compulsory to add supplementary fees established in accordance with the stipulations of section 11.2.2.*b* hereafter:

1. subdivision or addition: first distinctive cadastral number:

—without the inscription of astronomical azimuths, minimum $100;

—with the inscription of astronomical azimuths, minimum $125;

2. redivision: first distinctive cadastral number:

—without the inscription of astronomical azimuths, minimum $125;

—with the inscription of astronomical azimuths, minimum $150;

3. addition, subdivision or redivision of each subsequent cadastral number shown on the same plan, minimum $30 per additional number.

(*b*) *Supplementary tariff (ABU):*

1. Tariff for each area-base unit (ABU), minimum $2 per ABU. The number of ABU's is determined separately for each cadastral number deposited.

2. Determination of the number of Area-base units (ABU).

The contents of the ABU is a function of the market value of the land. To obtain the number of ABU's contained in the area of a cadastral number, the squarefootage of that cadastral number is divided by the contents of the ABU shown in the table below, corresponding to the market value of the land per square foot.

Market value of the land per square foot	*Contents of ABU*
1/8 c & less	2,000,000 sq. ft.
1/7 c to 1/4 c	700,000 sq. ft
3/8 c to 1/2 c	300,000 sq. ft.
5/8 c to 1 c	120,000 sq. ft.
1 1/4 c to 2 c	50,000 sq. ft.
2 1/4 c to 5 c	20,000 sq. ft.
5 1/4 c to 10 c	10,000 sq. ft.
10 1/4 c to 20 c	8,000 sq. ft.
0.21 to 0.40	6,000 sq. ft.
0.41 to 0.50	4,000 sq. ft.
0.51 to 0.60	3,000 sq. ft.
0.61 to 1.00	2,000 sq. ft.
1.01 to 2.00	1,500 sq. ft.
2.01 to 3.00	1,200 sq. ft.
3.01 to 5.00	1,000 sq. ft.
5.01 to 6.00	800 sq. ft.
6.01 to 8.00	600 sq. ft.
8.01 to 10.00	500 sq. ft.
10.01 to 15.00	400 sq. ft.
15.01 to 25.00	350 sq. ft.
25.01 more	300 sq. ft.

11.3 *Cadastral divisions for condominium purposes*

11.3.1 *Definition:* The cadastral division for condominium purposes is prepared to register a declaration of co-ownership in virtue of Chapter 76, Revised Statutes of Québec 1969.

11.3.2 *Fees — Cadastral division for Condominium purposes:* Because of the complexity of the work involved, these professional services cannot, in any case, be under taken at a fixed fee and are governed solely by the general rates.

Section 12

Homologation and Expropriation

12.1 *Definitions:*

12.1.1 *Homologation:* Homologation is the approval by judicial authority of certain plans prepared by virtue of the cities and towns Act in view of restricting all constructions or renovations on parcels of land which are to be expropriated.

12.1.2 *Expropriation:* It is the forced sale under the authority of law of an immoveable property required for public use.

12.2 *Role of the land surveyor:*

12.2.1 *Homologation:* The land surveyor undertakes all works necessary for the preparation of the homologation plans and prepares their corresponding technical descriptions.

12.2.2 *Expropriation:* The land surveyor undertakes all works necessary for the preparation of general expropriation plans, prepares the individual parcel plans drawn out of the general plan and the corresponding technical descriptions.

12.3 *Fees — Homologation and Expropriation*

12.3.1 *General plan:* The fees for any work necessary including study of titles, Searches at the Registry Office, Field-surveys, calculations, drafting, setting of markers, and so on are established according to the general rates of the present tariff.

12.3.2 *Parcel plans and technical descriptions (without field work):* If parcels shown on a same plan belong to different proprietors, this plan is therefore considered to be as many parcel plans as there are proprietors.

1. Minimum $50 per parcel plan including the technical description of the first parcel of land.

2. Minimum $15 for the technical description of each additional parcel shown on the same parcel plan.

Section 13

The cadastral compilation

13.1 *Definition:* Plan or series of plan representing a given territory, showing all the information shown on the official cadastral plan and in the book of reference for this territory, including subdivisions, redivisions and their modifications.

A cadastral compilation is assembled in a volume containing the various plans together with a key or index plan facilitating the reference to the pages. The cadastral compilation is preferably prepared to a scale of forty feet to one inch.

The land surveyor keeps the original of the cadastral compilation and cannot sell or deliver copies thereof on transparent material.

13.2 *Fees — Cadastral compilation*

A. Preparation of the cadastral compilation plan:

1. For the preparation of a cadastral compilation (whole numbers only), whether the document comprises only one plan or a series of plans, the minimum compulsory fees demanded are based on the number of cadastral lots (original lots and subdivision lots) as follows:

—$3 per cadastral number for the first 5,000 numbers;
—Plus $2 per cadastral number for those in excess of 5,000 numbers up to 10,000 numbers;
—Plus $1 per cadastral number for those in excess of 10,000 numbers.

2. Any measurement or any other method whatever used to secure the field exactness of a base or control plan is excluded and must be invoiced separately according to the general rates.

3. The compilation of parts of lots is prepared according to the general rates.

B. Updating of compilation plan or plans:

New cadastral numbers, minimum $3 per number; corrected cadastral numbers, partially cancelled or totally cancelled numbers, minimum $3 per number.

Section 14

The revision or updating of a cadastre

14.1 *Definition:* It consists in the various surveying operations intended to compensate for the absence of a systematic updating of a cadastre; thus facilitating its role as a basic instrument for the registration of property mutations and real rights therein, particularly in urban regions.

14.2 *Fees — Revision or updating of a cadastre:*

(*a*) *Field operations:* per lot of a maximum area of about one acre: search at the Cadastre office, survey and establishment of limits on a plan, without any staking: $35;

for lots exceeding well over the minimum of one acre, the fees are according to the general rates;

(*b*) descriptions and cadastral division, according to the specific rates.

Section 15

Certificat of cadastral origin — Certificate of civic identification

15.1 *Definitions:*

15.1.1 The certificate of cadastral origin is prepared by the land surveyor to establish the correspondence between a cadastral plan in force and one or more cancelled cadastral plans covering the same extent of land.

15.1.2 The certificate of civic identification is prepared by the land surveyor to complete a certificate of location issued before the allocation of a civic number or when the civic number of the name of the street have been changed subsequently.

15.2 *Fees — Certificate of cadastral origin:* Minimum $15 for each comparison between plans two by two; the time spent for research is supplementary and tariffed according to the general rates, as well as any plan prepared for this certificate.

15.3 *Fees — Certificate of civic identification:* Minimum $25 for the first certificate of civic identification, plus $5 for each additional certificate of civic identification, when the verification is done at the same time and when the houses are contiguous.

Article 16

The technical description

16.1 *Definition:* It is the literal expression, signed by a land surveyor, of the survey of a parcel of land situating the said parcel, and allowing the reconstitution of its metes and bounds and of its dimensions. It is accompanied by a plan, duly signed, on which the successive details of the Description can be followed.

16.2 *Fees — Technical:* For the preparation of any technical description, minimum of $30 for the first parcel described, and $15 per additional parcel described in the same document. The plan accompanying the technical description is invoiced separately according to the general rates.

CHAPTER III

DETERMINATION OF BOUNDARIES AND COURT APPEARANCE

Section 17 — Determination of Boundaries

17.1 *Explanatory note*

(*a*) The Code of Civil Procedure stipulates, in article 752, that every owner who wishes, in accordance with article 504 of the Civil Code, to compel his neighbour to have the boundaries determined, to verify ancient boundaries or to rectify the division line between their contiguous immoveables, must first put him in default to consent to do so and to agree upon a land surveyor to carry out the necessary operations. The said article determines the content of the notice of putting in default, and the time allowed for the reply.

(*b*) If there is an agreement on the demand to have the boundaries determined or reconstituted and on the choice of a land surveyor, the latter proceeds in accordance with article 763 of the Code of Civil Procedure. Under his oath of office and in the same manner as an expert, he visits the site, studies the titles, hears the parties and their witnesses, carries on all necessary survey operations, prepares a plan of the site on which he indicates the claims of the parties, submits to the latter a report of his operations showing the division line which appears to him to be fair.

The first part of the land surveyor's work is then completed.

(*c*) If the parties accept the conclusions of the land surveyor's report, the latter then proceeds to mark out the boundaries. He draws up the minutes of such operation, which have to be signed by the parties in his presence, then signed by himself and has it registered at the proper Division Registry Office. The preliminary report submitted to the parties may be included with the minutes of such marking out of boundaries.

(*d*) If one of the parties does not accept the conclusions of the land surveyor's report, the determination of boundaries is carried out in accordance with articles 765 to 767 of the Code of Civil Procedure.

17.2 *Various aspect of the determination of boundaries:*

(*a*) A determination of boundaries may be spontaneously made by mutual consent, without a previous notice of putting in default, without a convocation notice. In such case, the land surveyor proceeds to mark out the boundaries, draws up the minutes of his operations, which have to be signed by the parties, by himself and registered. Such a procedure requires that the land surveyor be sure to include in the minutes a renunciation of the parties to the notice of putting in default and to the notice prescribed in the Act.

(b) The determination of boundaries may also be made out of Court, without being spontaneous. In such a case, the plaintiff decides to exercise the right of putting in default and accept the results thereof.

(c) A determination of boundaries may be brought before the court immediately at the beginning, if the party to whom it is demanded refuses to accept the determination of boundaries; it may also be brought before the court during its progress, if one of the parties refuses the conclusions of the land surveyor's report.

17.3 *Fees — Determination of boundaries:* The costs of determining boundaries are apportioned in accordance with article 768 of the Code of Civil Procedure.

The fees of the land surveyor are established according to the general rates, and, before undertaking the work, the land surveyor may require that a partial payment of the estimated costs be made as a guarantee.

However, when the determination of boundaries is agreed to by the parties, entered in the minutes of the determination of boundaries, the land surveyor is entitled to a minimum fee of $125 for the drawing up of such minutes and of the plan annexed thereto, and for the signature by the parties of the said documents and their registration, in addition to other fees to which he may be entitled for other professional services rendered during the determination of boundaries.

Section 18
Court appearance and attendance of the land surveyor as a witness or arbitrator

For every appearance or attendance as a witness before the court or elsewhere in his capacity as a land surveyor, whether or not as an expert or as an arbitrator, the land surveyor is entitled to $75 per hearing or sitting, plus disbursements.

Such fees and disbursements, once the part taxed as judicial costs by the court is deducted, are recoverable from the party who requested the appearance, or the attendance as witness or arbitrator.

Any attendance or additional professional work resulting from a court appearance is also recoverable from the said party. In such case, the land surveyor is entitled to the fees prescribed in the general rates of this tariff.

Section 19
Survey work relating to land evaluation

19.1 *Nature of such professional work:* This professional work may include:

—cadastral or deed compilation plans;

—deed compilation reports relating to the dimensions, areas, boundaries, and any other required information;

—technical descriptions with plans annexed thereto;

—plans showing the relation between the occupation, the deeds and the cadastre.

19.2 *Fees — Survey work relating to land evaluation:* Fees respecting the survey work relating to land evaluation are established in accordance with the general rates, unless they are included in the work covered by Chapter II of this tariff (Specific work).

Section 20

Copies of plans and documents; certification

20.1 *General principles:* So many modifications and revisions are made to survey documents, that with modern means of reproduction, several outdated documents are in circulation and may be used erroneously for legal or judicial purposes.

In order to protect the public within the means at its disposal, the corporation requires that every certified true copy of a document or extract thereof bear the date of its issue, the seal, be certified by the affixing of the land surveyor's signature on the copy itself, in addition to that which may appear by reproduction.

Every other copy in circulation constitutes a copy issued for purposes of surveys and has no other value to the corporation than as a work document.

Also in order to protect the public, every copy on transparent material may not be a certified true copy.

20.2 *Copies issued during the carrying out of a professional service mandate:*

20.2.1 Except for a determination of boundaries, upon the issuance of copies resulting from the carrying out of a professional services mandate in progress, the first copy of a document or of the plan is certified true, and a tariff may not be established for the said copy.

In addition, two copies are issued when required for survey purposes, without additional cost, during the carrying out of a professional services mandate.

20.2.2 For every report or plan relating to the determination of boundaries (valuation, minutes), each copy issued is subject to a tariff, in accordance with sections 20.3 and 20.4, even when a professional services mandate is being carried out.

20.3 *Fees — Certification:* For the certification of each copy of every document or every extract thereof prepared by himself or another land surveyor whose records he keeps, the land surveyor receives a fee of $15.

20.4 *Fees — Material preparation of copies:* For the material preparation of copies, the land surveyor receives three times the costs and disbursements incurred for the keeping of the original document, the handling, the preparation and the sending of the copy(ies) with a minimum charge of $5. Any certification of such copy is additional.

20.5 *Fees — Copies on transparent material:* For the issuance of each copy on transparent material, the minimum fee is $10 plus twice the commercial cost for printing transparent material, plusten times the commercial cost for printing a non transparent copy from the same document.

LAWYERS

TARIFF OF JUDICIAL FEES

(O.C. 2067-76, 16/6/76;
Québec Official Gazette,
part 2, 14/7/76, p. 3991)

Tariff of Judicial Fees

CLASSES OF ACTIONS

I — The suit in which the amount or value in dispute:

(a) does not exceed $300;

(b) is from $300 to $500 exclusive;

(c) is from $500 to $1,000 exclusive;

II — The suit in which the amount or value in dispute:

(a) is from $1,000 to $3,000 exclusive;

(b) is from $3,000 to $10,000 exclusive;

III — The suit in which the amount or value in dispute:

(a) is from $10,000 to $25,000 exclusive;

(b) is from $25,000 to $50,000 exclusive;

IV — The suit in which the amount or value in dispute is $50,000 or over.

GENERAL RULES

R-1 The words "suit", "case" or "action" mean an action, whether it is instituted by a writ, petition, joint factum, or any other deed instituting an action.

R-2 The word "proof" means the examination of a party or witness as well as the presentation before the court of any document bearing admission of facts, followed by an address.

R-3 The word "contestation" includes any opposition to a demand of another party.

R-4 For proceedings or actions which the tariff does not specifically prescribe, the fees shall be fixed according to the tariff of proceedings or similar actions. Such proceeding or action in which the amount or value in dispute is indeterminable or inexistent shall be under class II-A.

R-5 The fees in actions for the revendication of moveable property shall be taxed against the plaintiff according to the value of the property revendicated and against the defendant according to the value of the property for which a judgment is rendered.

R-6 Hypothecary actions shall be deemed purely personal actions.

R-7 An action in which the creditor uses a right to become the irrevocable owner of an immoveable, the class of action shall be determined according to the amount due on the claim.

R-8 In an action for accounting, the costs shall be taxed against the plaintiff according to the amount which he claims and against the defendant according to the amount for which he is bound to account.

R-9 Unless provided otherwise in the law, every action for the annulment of a contract or will shall be classified according to the value of the contract or estate; if, in addition, a sum of money is claimed, the total amount shall determine the class of the action.

R-10 In actions for a sum of money, the costs shall be taxed against the plaintiff according to the amount which he claims, and against the defendant according to the class of action to which the amount of the final judgment corresponds.

R-11 The cost of exhibits, copies of plans, deeds or other documents, as well as the cost of expert's reports filed shall be included in the bill of costs, unless the judge orders otherwise.

R-12 Where several defendants file separate contestations, the advocate of the plaintiff shall receive for each additional contestation one-half of the fee prescribed in section 4 or in section 5 of the tariff according to the state of the proceedings. For the purposes of this rule, the intervenant, the *mis-en-cause* and the defendant in warranty, if they conclude to the rejection of the principal action, shall be deemed a defendant filing a separate contestation.

R-13 If several incidental suits can be formulated in the same proceeding, one single fee shall be payable despite multiple proceedings.

R-14 The Court may, upon request or *ex officio*, grant a special fee, in addition to all others fees, in an important case.

R-15 In matter of declaratory judgment and of decision upon a question of law, the interest in dispute, if it can be evaluated in money, shall determine the class of action; in other cases, the fees shall be those prescribed for class II-B.

R-16 In the case of the revision of taxation of a bill of costs, the costs shall be based on the class of action corresponding to the amount of the costs in dispute.

R-17 With the exception of execution costs, in all actions of class I-A, the costs taxed against the party who fails in the action shall not be higher than the amount of the condemnation.

R-18 There shall not be any separate fee in the case of a cross-demand, but the class of action shall be determined by that of the amounts granted which is the highest.

R-19 Whenever laws or regulations refer to the former tariff, this tariff must be used.

Section I / *Division I*

PREMIÈRE INSTANCE / *FIRST INSTANCE*

	I			II		III		IV
				1-3	3-10	10-25	25-50	50
	A	B	C	A	B	A	B	
	$	$	$	$	$	$	$	$
1. a) Pour tout avis ou mise en demeure précédant la procédure introductive d'instance et requise par la loi / *For every notice or putting in default preceding the proceeding instituting an action and required by law*	5	10	15	25	25	25	25	25
b) Pour tout avis ou mise en demeure précédant la procédure introductive d'instance et non requise par la loi, un seul honoraire est exigible / *For every notice or putting in default preceding the proceeding instituting an action and not required by law, only one fee is payable*	5	10	15	20	20	20	20	20
2. Pour toute action réglée après la procédure introductive d'instance et avant la signification d'une défense ou d'une contestation au fond / *For every action settled after the proceeding instituting an action and before the serving of a plea or contestation on the merits:*								
a) au procureur du demandeur / *to the plaintiffs attorney.*	30	60	75	125	150	200	275	350
b) au procureur du défendeur / *to the defendant's attorney.*	20	25	30	75	125	175	250	325
3. Sur jugement au fond, par défaut ou *ex parte* au procureur du demandeur / *For judgment on the merits, by default or* ex parte, *to the plaintiff's attorney:*								
a) sans enquête / *without proof and hearing*	35	70	90	140	175	250	325	400
b) avec enquête / *with proof and hearing*	40	80	100	175	225	300	375	450
au procureur du défendeur / *to the defendant's attorney:*								
c) s'il n'assiste pas à l'enquête ou s'il n'y a pas d'enquête / *if he is not present at the proof and hearing or if there is no proof and hearing*	20	25	30	50	80	100	135	175
d) s'il y a enquête et qu'il y assiste / *if there is a proof and hearing and he is present*	30	60	75	100	150	200	275	350
4. Pour une action réglée après la signification d'une défense ou d'une contestation au fond, ou pour une demande rejetée sur requête fondée sur l'article 165 C.P. / *For an action settled after the serving of a plea or contestation on the merits, or for a demand dismissed on a petition founded on article 165 C.P.*	40	80	100	250	350	450	550	650
5. Pour jugement au mérite de la cause dans une action contestée / *For judgment on the merits of the case in a contested action*	75	125	200	350	500	700	800	1,000
6. a) Sur tout incident contesté / *On every contested incidental proceeding*	10	15	20	50	50	50	50	50
b) Si l'incident a pour effet de mettre fin au litige, l'honoraire applicable est celui de l'article 3*a* / *Where the incidental proceeding puts an end to the dispute, the fee applicable shall be that of section 3a*								
7. Pour interrogatoire d'une partie, avant ou après production d'une défense à l'exclusion d'un interrogatoire lors d'une mesure incidente ou du procès / *For the examination of a party before or after a plea filed with the exclusion of an examination held during an incidental measure or a trial*	10	15	20	30	30	30	30	30

	I			II		III		IV
				1-3	3-10	10-25	25-50	50
	A	B	C	A	B	A	B	
	$	$	$	$	$	$	$	$
8. Lorsque le juge demande ou autorise de plaider par écrit, un honoraire additionnel de / *When the Judge requests or authorizes to plead in writing, an additional fee of*	10	20	30	50	50	100	100	100
9. a) Pour l'enregistrement du jugement ou de tout acte tendant à la conservation de droits réels / *For the registration of the judgment or any other deed for the preservation of real rights*	5	10	15	25	25	25	25	25
b) Pour la préparation et l'enregistrement d'un privilège ou d'un avis selon l'article 1040A du Code civil / *For the preparation and registration of a privilege or notice in accordance with article 1040A of the Civil Code*	10	20	30	75	75	75	75	75
c) Préparation et mainlevée de l'enregistrement d'un privilège / *Preparation and cancellation of the registration of a privilege*	5	10	15	25	25	25	25	25
d) Production de réclamation à la Loi Lacombe et réclamation sur saisie-arrêt / *Filing of claim with the Lacombe Law and claim on seizure by garnishment*	5	10	15	25	25	25	25	25
10. a) Pour la délivrance de tout bref d'exécution, quelle qu'en soit la nature ou le nombre, un seul honoraire suivant la classe du montant réclamé / *For the issuance of all writs of execution, whatever their nature or number, only one fee in accordance with the class of the amount claimed*	5	10	15	25	25	25	25	25
b) L'interrogatoire suivant l'article 543 C.P.C. / *The examination in accordance with article 543 C.C.P.*	5	10	10	15	15	15	15	15
11. Pour tout jugement par défaut contre un tiers-saisi ou sur sa déclaration : *For any judgment by default against a garnishee or on his declaration*	5	10	15	25	25	25	25	25
12. Pour toute saisie avant jugement, un honoraire additionnel suivant la classe de l'action principale / *For any seizure before judgment, an additional fee in accordance with the class of the principal action*	10	15	20	40	40	40	40	40
13. Pour le jugement rendu par un jury, un honoraire additionnel de / *For the judgment rendered by a jury, an additional fee of*	—	—	—	—	100	100	100	100
14. a) Si une cause dure plus d'une journée, pour chaque demi-journée additionnelle / *Where a case lasts more than one day, for each additional half a day*	25	35	40	50	50	50	50	50
b) En cas de refus de procéder du tribunal énoncé en présence des parties, le jour même fixé pour l'audition / *In case of refusal to proceed by the court stated in the presence of the parties, on the day fixed for proof and hearing*	10	15	20	50	50	50	50	50

15. In the case of any pre-trial held according to the provisions of Article 279 C.P. and prior to the day fixed for proof and hearing, the fees shall be those prescribed in section 7.

16. The injunction demanded without other conclusions than those of Article 751 C.P. shall be deemed an action of class II-B. If other conclusions are sought, the fees shall be those of the class prescribed for such conclusions, without however being less than those prescribed in class II-B. The fees shall be calculated in the following manner: when the judgment on the motion for interlocutory injunction terminates the case or the judgment on the motion for permanent injunction is not preceded by a judgment on a motion for interlocutory injunction, the advocate shall be entitled to the fees taxable on a judgment on the merits of the case. In the case where the judgment on the motion for permanent injunction is rendered following a judgment on a motion for interlocutory injunction, the advocate shall be entitled to the fees taxable on a judgment on the merits increased by one-half.

17. In matters of boundary actions, possessory and petitory actions, sequestration, declaratory and negatory action of servitudes, the fees shall be those prescribed for class II-B.

18. In matters of judicial partition and licitation, the class of action shall be according to the value of the object in dispute.

19. In matters of proceedings respecting corporations, extraordinary recourses and *Habeas Corpus* prescribed in Titles Five, Six and Seven of Book Five of the Code of Procedure, the fees shall be those prescribed for class II-B.

20. In non-contentious matters, the fee shall be that of section 6*a* class II, with the exception of the voluntary sale of property belonging to incapables and of inventorized property prescribed in Chapters VII and XI of Book Six of the Code of Procedure whose class is determined by the value of the property.

21. In real estate assessment matters, including the setting aside or contestation of a roll, the fees both before the real estate assessment Board of Revision and in appeal before the Provincial Court shall be those prescribed for Class II-A of the Tariff in first instance; section 23 shall not apply thereto and the cost of experts' reports shall not be included in the bill of costs.

22. In expropriation matters the class of action shall be determined by the amount of the indemnity.

An additional fee of one per cent (1%) of the first one hundred thousand (100,000) dollars or less of indemnity

shall be added to the judicial fees when, upon a motion accompanied by an *affidavit* of the advocate, it has been established to the satisfaction of the Expropriation Tribunal or its chairman or vice-chairman sitting pursuant to the jurisdiction conferred upon it by section 9*a* of the Expropriation Act, that the advocate's services during the preparation of the case or during the proof and hearing, or during the negotiations which led to a transaction, justify it.

The contestation of the right to expropriation is an instance in itself. The fees applicable shall be those prescribed in Class II-B.

For any proceeding instituted under the Expropriation Act before a Court other than the expropriation tribunal, the applicable fees shall be those prescribed in Class II-B, section 6*a*.

For any uncontested proceeding respecting payment of the monies allocated, the fees shall be those prescribed in section 9*b*.

23. In the case of a suit in which the amount of the value under dispute is greater than one hundred thousand ($100,000) dollars, an additional fee of one percent (1%) on the amount exceeding the one hundred thousand ($100,000) dollars, shall be taxable.

24. This tariff shall apply to every action instituted after the date of its coming into force; it shall not apply to a new proceeding in an action instituted before that date.

TARIFF PARTICULAR TO MATRIMONIAL MATTERS

Principal proceedings

1. Action for separation from bed or petition for divorce settled after service; to the plaintiff's attorney $150

2. Action for separation from bed or petition for divorce settled after appearance; to the defendant's attorney $100

3. For judgment *ex parte* or by default; to the plaintiff's attorney $225

4. For judgment *ex parte* or by default; to the defendant's attorney who is present at the proof and hearing $150

5. For judgment by default or *ex parte*; to the defendant's attorney who is not present at the proof and hearing $100

6. For judgment on the merits rendered on contestation with or without cross demand from the defendant, to each attorney $300

Provisional measures and incidental proceedings

7. (a) For judgment relating to provisional measures, after agreement or transaction, but without proof and hearing, to each attorney, one fee only ..... $ 75

(b) For judgment, after proof and hearing, on any motion for provisional measures, to each attorney, one fee only $100

8. (a) For every contested incidental proceeding not contemplated in subsection 7 ..... $ 50

(b) For the examination of a party, before or after the filing of a defence, with the exception of an examination during an incidental measure or the trial ..... $ 30

(c) When the Judge requests or authorizes to plead in writing ..... $ 50

(d) Where a case lasts more than one day, for each additional day ..... $ 50

(e) In case of refusal to proceed by the court at the proof and hearing on the merits, stated in the presence of the parties on the day fixed for the hearing ..... $ 50

Execution of judgment

9. (a) For examination pursuant to Art. 543 C.C.P. ..... $ 15

(b) For requisition for a writ of seizure before judgment ..... $ 25

(c) For requisition for any writ of seizure of *bonis, terris*, after judgment or both at the same time $ 25

(d) For requisition for any seizure by garnishment after judgment ..... $ 25

(e) For judgment on seizure by garnishment after judgment ..... $ 50

(f) Only one of the two fees prescribed in 9*d* and *e* may be claimed.

(g) For the registration of the judgment ..... $ 25

Motions subsequent to final judgment

10. (a) Appointment of practitioner ..... $ 10

(b) Homologation of practitioner's report ..... $ 10

(c) Registration following homologated report ..... $ 10

(d) For any judgment relating to a motion for change in alimony, custody or children, visiting rights or leaves agreed upon, without proof and hearing, to each attorney one fee only ..... $ 75

(e) For judgment after proof and hearing with respect to all the measures described in 10*d*; to each attorney, one fee only $100

Motions pursuant to Art. 827 C.C.P.

11. For any judgment without proof and hearing relating to a motion submitted pursuant to Article 827 C.C.P., to each attorney ..... $ 75

12. For any judgment rendered on contestation after proof and hearing and relating to a motion submitted pursuant to Article 827 C.C.P., to each attorney $100

TARIF JUDICIAIRE DES CAUSES CIVILES EN APPEL
JUDICIAL TARIFF FOR CIVIL CASES UNDER APPEAL

COUR D'APPEL / *COURT OF APPEAL*

	I			II		III		IV
				1-3	3-10	10-25	25-50	50
	A	B	C	A	B	A	B	
	$	$	$	$	$	$	$	$
1. Les déboursés encourus pour la confection du dossier conjoint et des mémoires sont taxables contre la partie défaillante sur production de pièces justificatives. / *The disbursements incurred for the preparation of the joint record and the factum shall be taxable against the losing party who fails in the action upon the filing of supporting documents.*								
2. Les articles 17, 18 et 19 du tarif en première instance s'appliquent à la Cour d'appel. / *Sections 17, 18 and 19 of the tarif in first instance shall apply to the Court of Appeal.*								
3. Après production de l'inscription: Pour toute cause terminée ou appel abandonné / *After filing of the inscription: For every case terminated or appeal abandoned*	100	100	100	100	250	300	400	500
4. Après production du mémoire de l'appelant: Pour toute cause terminée ou appel abandonné: / *After filing of the factum of the appellant: For every case terminated or appeal abandoned:*								
1) À l'appelant / *To the appellant*	250	250	250	300	450	550	700	850
2) À l'intimé / *To the respondent*	125	125	125	150	300	350	450	550
5. Après production du mémoire de l'intimé et avant audition. Pour toute cause terminée ou appel abandonné / *After the filing of the factum of the respondent and before the proof and hearing. For every case terminated or appeal abandoned*	300	300	300	350	500	600	750	900
6. Pour jugement sur le mérite de la cause / *For judgment on the merits of the case*	450	450	450	500	750	850	1000	1200
7. Sur requête pour permission d'appeler, requête pour rejet d'appel et tout autre incident contesté / *For motion for permission to appeal, motion for the dismissal of the appeal and any other contested incidental proceeding*	100	100	100	100	100	100	100	100

8. For the appel of any interlocutory judgment with the exception of the injunction, extraordinary recourses and *Habeas Corpus*, the fee applicable shall be one-half of the fee prescribed for a final judgment, according to the class of action determined by the amount in dispute.

9. The injunction demanded without other conclusions than those of Article 751 C.P. shall be deemed an action of class II-B. If other conclusions are sought, the fees shall be those of the class prescribed for such conclusions, without however being less than those prescribed in class II-B. The fees shall be calculated in the following manner: When the judgment of the Court of Appeal on the motion for interlocutory injunction terminates the case or the judgment of the Court of Appeal on the action for permanent injunction is not preceded by a judgment of the Court of Appeal on a motion for interlocutory injunction, the advocate shall be entitled to the fees taxable on a judgment on the merits of the Court of Appeal. In the case where the judgment of the Court of Appeal on the action for injunction is rendered following a judgment of the Court of Appeal on a motion for interlocutory injunction, the amount of the fee for the judgment on the merits shall be equal to one-half the fee of the class which applies thereto.

10. In matters of extraordinary recourses and *Habeas Corpus* prescribed in Titles VI and VII of Book V of the C.P.: In appeal on the issuance of the writ, the fees shall be those prescribed in class II-B. The same shall apply to judgment on the merits, which has not been preceded by an appeal on issuing. However, when the judgment on the merits in appeal has been preceded by a judgment in appeal on issuing, the amount of the fee for the judgment on the merits shall be equal to one-half the fee of class II-B.

	I			II		III		IV
				1-3	3-10	10-25	25-50	50
	A	B	C	A	B	A	B	
	$	$	$	$	$	$	$	$
11. Pour production d'un mémoire additionnel à la demande du tribunal / *For the filing of an additional factum upon the request of the Court*	100	100	100	150	150	150	150	150
12. Pour chaque voyage de tout autre district à Montréal ou à Québec, fait spécialement pour l'audition, l'avocat a droit à une indemnité équivalente à l'indemnité payable à un juge en vertu de la loi. / *For every journey from any other district to Montreal or Québec, made especially for the hearing, the advocate shall be entitled to an indemnity equal to the indemnity payable to a judge in accordance with the law.*								
13. Si l'audition d'une cause dure plus d'une journée, pour chaque demi-journée additionnelle / *Where the hearing of a case lasts more than one day, for each additional half-day* ..	100	100	100	100	100	100	100	100

14. This Tariff shall apply to every appeal lodged after the date of its coming into force; it shall not apply to a new proceeding in an appeal instituted before that date.

TARIFF PARTICULAR TO MATRIMONIAL MATTERS UNDER APPEAL

1. The costs incurred for the preparation of the joint record and factums shall be taxable againts the party who fails in the action upon the filing of supporting documents.

2. After filing of the inscription:

For any case terminated or appeal abandoned .. $ 150

3. After filing of the factum of the appl ant:

For any case terminated or appeal abandoned:

(1) To the appellant 350

(2) To the respondent 200

4. After filing of the factum of the respondent and before proof and hearing:

For any case terminated or appeal abandoned .. 450

5. For judgment on the merits of the case 600

6. For motion for permission to appeal, motion for the dismissal of the appeal and other contested incidental proceeding 100

7. For the appeal of any interlocutory judgment, the applicable fee is one-half of the fee prescribed for a final judgment.

8. For filing an additional factum at the request of the court ..... $ 150

9. For every journey from any other district to Montreal or Québec, made especially for the hearing, the advocate shall be entitled to an indemnity equal to the indemnity payable to a Judge in accordance with the law.

10. Where the proof and hearing of a case on the merits lasts more than one day, for each additional half day 100

11. This Tariff shall apply to every appeal lodged after the date of its coming into force; it shall not apply to a new proceeding in an appeal instituted before that date.

LAWYERS

REGULATION OF THE BAR OF QUEBEC

(Tariff of Extrajudicial Fees)

(Regulation of the Bar of Québec, subdivision 20: "Fees and Costs", sections 78 to 90, Statutory Regulations, Québec Official Publisher, 1972, p. 9-009)

§20. Fees and Costs

78. Subject to any legislative provision to the contrary, an advocate shall not agree with a client to turn over to him in return for a salary the fees which he may be entitled to receive from an adverse party.

79. In determining the value of his services an advocate must especially take into account the following factors as a whole:

(a) his experience;

(b) the time devoted to the matter;

(c) the difficulty of the question involved;

(d) the importance of the matter and the responsibility assumed;

(e) the judicial and extrajudicial fees fixed by the tariffs.

80. If the client requests it, the advocate must give him an account with sufficient details to enable him to be reasonably informed of the extent, the nature and the value of the services rendered.

81. In establishing the value of his professional services an advocate must bear in mind that he is participating in the administration of justice and therefore must avoid all methods and attitudes likely to give to his profession a commercial or profit-seeking character.

82. Except in the cases expressly provided for by sections 86 and 87, or in exceptional cases warranted by considerations of a charitable or family nature, an advocate shall not:

(a) agree in advance with a client not to charge him for disbursements or fees, judicial or extrajudicial;

(b) agree in advance with a client to reduce the fees and disbursements established by the tariffs or the by-laws;

(c) offer any such inducement to a particular client or to the public in general.

83. It is unprofessional to demand from a client an advance for fees or retainer disproportionate to the nature, importance and circumstances of the case and the condition of the parties.

84. An advocate shall not renounce or agree to renounce all or part of his fees in favor of a disqualified advocate.

85. Division of fees for professional services is permitted only between advocates qualified to practise and must correspond to a division of service and responsibility.

86. (1) When an advocate's mandate is solely for the collection of accounts for goods sold, rental due, services rendered or work done, taxes, assessments, dues and fees, amounts due on bills of exchange or acknowledgments of debt, hypothecary obligations only excepted, the advocate's minimum extrajudicial fees, for each claim, shall be fixed in accordance with the following scale which is obligatory:

(a) on $500 or less collected on behalf of or by the client: 15%;

(b) on the excess over $500 up to $2,000: 10%;

(c) on the excess over $2,000 up to $10,000: 5%;

(d) on the excess over $10,000: 2½%.

(2) An advocate may agree in writing with his client, to charge him extrajudicial fees calculated at a higher percentage.

(3) In the cases provided for in subsection 1, an advocate may agree in advance in writing with his client and on the terms defined in such agreement not to charge him any costs, fees or disbursements whatsoever in return for the payment of a percentage of the amount collected on behalf of or by the client, such percentage not to be less than that provided in subsection 1.

(4) This section does not apply to the accounts collected by an advocate working full-time in a legal department and acting in such capacity.

87. In the cases not covered by section 86 an advocate may agree in writing with his client, to charge him an extrajudicial fee not exceeding 30% of the amount obtained and collected from any source whatsoever whether as a result of a settlement or pursuant to a judgment, in addition to the judicial costs paid by the opposing party and the extrajudicial disbursements.

When, in matters relating to hypothecary obligations, it is stipulated that the debtor must pay extrajudicial fees to the creditor's advocate and the amount thereof is not set, such fees shall be fixed in accordance with subsection 1 of section 86 and shall be maximum fees.

88. Except in the cases covered by subsection 1 of section 86, an advocate must credit his client if need be, and, at his request, disclose to him all extrajudicial fees or commissions paid to him by a third party:

(a) in any settlement out of Court involving such payment;

(b) in any matter in which he charges his client extrajudicial fees.

89. (1) In expropriation matters, the suggested extrajudicial fees are as follows:

(a) a fee of 1% of the amount of the indemnity (save in cases where the advocate is already entitled to an equivalent fee under the tariff of judicial costs), plus

(b) a fee of 10% of the difference between the amount of the indemnity and the amount of the initial offer made by the expropriator or, when the expropriator has made no offer, the difference between the amount of the indemnity and the minimum amount established by the experts acting for the expropriator.

(2) The above-mentioned tariff shall apply whether the amount of the indemnity is fixed by judgment or by agreement between the parties.

(3) When only a nominal indemnity is awarded or when there is neither offer nor amount fixed by the experts for the expropriator, the fees are calculated in accordance with section 79.

(4) In all cases, the minimum fee is $75 when the advocate has no right to any fee under the tariff of judicial costs.

90. (1) When the syndic, one of his assistants, or a corresponding syndic has been unable to conciliate the parties to a dispute between a client and his advocate respecting the value of the professional services rendered by the latter, the client may ask the council of the section of which the advocate is a member to arbitrate the dispute.

(2) The arbitrator forwards the file and a summary report to the secretary of the section and provides him with any other information required.

(3) Upon application to the secretary by the client, and the latter's written undertaking to abide by the decision to be rendered, the council may order an inquiry by 3 advocates who shall submit their report as soon as possible.

(4) Such application cannot be withdrawn without the written consent of both the client and the advocate.

(5) The council's decision on the report shall be final. The secretary of the section shall, within 15 days of the decision, forward to the syndic a copy of the report and of the decision.

(6) An advocate who refuses to submit to such an inquiry under the aforementioned conditions, or who refuses to accept, or neglects to execute, the decision of the council rendered following such inquiry is guilty of professional misconduct.

(7) This section do not apply to disputed accounts which are the object of an action pending before the courts, unless the parties consent thereto.

NOTARIES

TARIFF OF FEES OF NOTARIES

(Statutory Regulations,
Québec Official Publisher,
1973, p. 9-083)

2. Tariff of fees of notaries

Division I
GENERAL OBSERVATIONS

1. Barring agreements to the contrary, fees higher than those provided for in this tariff may not be exigible.

2. It is derogatory to professional ethics to require fees inferior to those provided for in this tariff.

3. The fees established in divisions XXIV and XXV will be exigible, should the occasion arise, in addition to the fees provided for in divisions I to XXIII.

4. Deeds of sale, assignment, mortgage, giving in payment, transfer, lease-sales, assignment discharges and security loans:

(a) when the consideration stipulated is: $7,000 or less, the fees shall be $10 per $1,000, with a minimum of $20; plus $3 per $1,000 or fraction of $1,000 from $7,000 to $200,000; plus $2.50 per $1,000 or fraction of $1,000 from $200,000 to $1,000,000,

(b) over $1,000,000, the additional fees shall not exceed $1 per $1,000 on the balance, if the work accomplished, the responsibility incurred and the mandate so justify.

Over $5,000,000, additional fees not to exceed $0.50 per $1,000 on the balance according to circumstances.

5. For insertion in the deed of usual guarantee clauses for the payment of the remainder of the sales price, the balance or completion of obligations of one or more parties, and additional fees as follows:

(a) the sales price balance being $10,000 or less, $10;

(b) the sales price balance being more than $10,000 but less than $100,000, $25;

(c) the sales price balance being $100,000 or more, $50.

These fees include, other than the fees of the deed itself, the fees for the appearance or collaboration of 4 persons, the preparation of the notice of address, the transfers of insurance if there are less than 4, the documents annexed and the certificate they include, the responsibility of a former obligation and the attendances for the registration of the deed and the notice of address.

6. In the event of an exchange, the fees the co-exchangers will have to pay shall be those provided for above, calculated by the total value of assets exchanged.

7. Deeds of offer, option, deeds of sale or promise to the same effect or extension of time for payments, novations, and payment allotments: 50% of the fees of section 4.

8. If in a deed a third party bails out or answers for one of the parties, the additional fee shall be:

(a) if the bond is of $10,000 or less: $10;

(b) if the bond is more than $10,000 but less than $100,000: $25;

(c) if the bond is $100,000 and more: $50.

9. In addition to the fees hereabove-mentioned, the notary should require the following additional fees:

(1) for each designation of a part of a lot apart from the fifth: $5.

If the designation of an immovable is limited to the number of the cadastre, these fees will be reduced to $0.25 for each of the additional numbers;

(2) for each transfer of an insurance policy apart from the third, including the notice to the company: $4;

(3) for each half-hour employed for the preparation of adjustments, if the notary is so required, and for the preparation of the statutory declaration in the case of a bulk sale: $15.

Division II
EXAMINATION OF TITLES

10. To examine the certificate of search from the time of the existence of the cadastre or for at least 50 years, barring an agreement to the contrary, in which case this delay could be limited to 30 years, or carry out a search at the registry office to the same effect, to examine all the deeds forming the chain of titles and, if judged necessary, those which appear in the index of the immovables and affecting the lot concerned, to examine the mortgage state, the certificate of localization and, if necessary, to make an inquiry to establish the state of the land assessments encumbering or affecting the immovable save exemption, to examine all other documents necessary to establish the state of the titles of the immovable, to give an opinion on the title, and to write a summary report of this examination, the fees will be the same as those provided for in division I, sections 4 and 5.

11. If other than the report, an analysis written deed by deed of the chain of titles is required, the notary will also have the right to hourly fees for the time spent on the composition.

If an opinion is required on a title, without a loan, sale, etc., or if consideration is nominal, the fee of the examination will be based upon the real value of the immovable.

12. If the notary carries out only one summary examination of the titles or carries out only one inspection at the registry office: hourly tariff, with a minimum of $10.

13. For supplementary chains of titles in addition to the first: hourly tariff.

14. If the examination of title presents difficulties necessitating various information, as: matrimonial status, identity of certain parties, certificates of survey, certificates of localization, complex descriptions of parts of lots, etc., or the study of authors, of jurisprudence, controversial questions, etc., the notary will have the right to additional fees according to the difficulty and importance of the matter and bearing in mind the time alloted thereto.

15. In addition to the fees mentioned above, the notary will have a right to hourly fees for any attendance outside of his study.

Division III
LEASE

16. (a) Emphyteutic lease, sale for constituted rent, same fee as in division I, sections 4 and 5, calculated on the capital represented by the rent of annuity capitalized at 5%.

(b) Farm lease: $20 to $50.

(c) Lease of house, dwelling or residence: $5; plus the hourly tariff.

(d) For all leases of a commercial nature, such as store, rooming house, apartment house, warehouse and other commercial building leases, fees will be based upon the total rent provided for, to wit:

(1) up to $50,000: $1.50 per $1,000, with a minimum of $20;

(2) on the surplus of $50,000 to $500,000: $1 per $1,000,

(3) on the surplus of $500,000: $0.50 per $1,000; with a maximum of $1,000.

When the lease includes a privilege or an option of renewal, additional fees from $25 to $100 according to the importance.

Cancellation: from $20 to $50 according to the importance of the lease cancelled.

For each notice to a lessee: $3; notice to leave to a lessee: $5; plus notification costs.

Division IV
ACQUITTANCES, MAINLEVEES

17. Acquittances, conventional substitutions, mainlevees and other deeds involving radiation:

(1) $5,000 or less, including a copy in addition to the copies annexed and the attendance at the registry office: $20;

(2) over $5,000 to $20,000 including a copy for the registration and the attendance at the registry office: $25;

(3) over $20,000: $30, plus $1 per $1,000, or fraction of $1,000 over $20,000, including a copy for the registration and the attendance at the registry office but with a maximum of $500.

Division V
MARRIAGE COVENANTS

18. Fees, according to the importance of donations between the future spouses, and the stipulations, the conventional appointment of an heir, if need be, a minimum of $35, including 2 copies and an attendance at the registry office.

If the deed comprises donations from a third party, the fees provided for the donations will moreover be required.

Division VI
WILLS, CODICILS, REVOCATION OF WILLS

19. (a) According to the number of legacies, the complexity of the provisions, the importance and the time spent in the preparation, the composition and the reception: $20 to $500.

(b) Wills between husband and wife "in favour of the last survivor", including, as the case may be, common entailment in favour of the children, for both at the same time: $25.

(c) In addition to the fees hereabove, for provisions relative to the testamentary executors and trustees, according to their complexity: $10 to $60.

(d) General revocation of testamentary provisions by autonomous deed: $10.

Division VII
MANDATE

20. Power of attorney, authorization, exams and consent by separated deed: $20 to $100; revocation of deeds hereabove: $10.

Division VIII
DONATION

21. (a) Donation of immovables: division I, sections 4 and 5.

(b) Pure and simple donation of movables according to importance, $20 to $100.

(c) Trust donation: according to the importance and complexity of the provisions and the time spent in the preparation, composition and reception, $20 to $500.

(d) In addition to the fees hereabove, for provisions relative to trustees, according to their complexity, $10 to $60.

Division IX
CONSTRUCTION CONTRACTS AND SPECIFICATIONS

22. Fees, according to the amount stipulated in the deed, will be from $1 per $1,000, up to $500,000, and $0.50 per $1,000, additional with a minimum of $25.

The regular fees will be required for the first copy of the specifications and half of these fees for additional copies.

Division X
DEEDS OF DECLARATION

23. (a) Acceptance of estate or community deeds, legacies, donations, usufructs or habitation rights, deeds of acceptance, adherence, notice of legal or judicial mortgages, memorials, redivision agreements, subrogation declarations, declarations of a syndic, liquidator or others concerning a bankruptcy or transfer of property or other procedure of the same nature either to the registrar of the bankruptcy or to the registrar, a declaration for the appointment of an expert, deeds of deposit of documents, voluntary or judicial deposits and consignments, mortgages, restrictions, formal no-

tices, appointment of testamentary executors or trustees, notifications, notoriety deeds, mortgage priorities, minutes, reports of experts, deeds of ratification, renunciation to the charges of testamentary executors or trustees, renunciation to community estates, legacies, donations, usufructs or habitation rights, renewal of registration, re-establishment of communities, summons and any other unilateral deeds of the same nature not provided for otherwise, according to the importance, $20 to $100.

(b) Notice of 60 days, notice of privilege, declaration of default and possession taken by a trustee or other, real offers, minimum $20.

(c) Declaration of co-ownership: hourly tariff.

Division XI
OTHER BILATERAL DEEDS

24. Arbitration, arrangements between creditor and debtor, warranties, submissions, counter-letters, corrections, establishment of servitudes, guarantees, rectifications, general transfer of debts or book accounts, provided for in article 1571*d*, of the Civil Code and all other bilateral deeds not provided for otherwise, according to importance, $20 to $100.

Division XII
MARITIME PROTESTS

25. Note of protest and 3 copies: $20 to $40; extension of protest: $30 to $75.

Sale of ship by notarial deed, the fees established in division I, sections 4 and 5.

To complete the deeds of sales, declaration of ownerships, manager appointment, and maritime mortgage forms: hourly tariff.

Division XIII
PROTESTS OF BILLS OF EXCHANGE, CHEQUES AND PROMISSORY NOTES

26. For presenting and noting for non-acceptance any bill of exchange and keeping the same on record: $1.

Copy of the same when required by the holder: $0.50.

For noting and protesting for non-payment any bill of exchange or promissory note, draft or order, and putting the same on record: $1.

For making and furnishing the holder of any bill or note with duplicate copy of any protest for non-acceptance or non-payment, with certificate of service and copy of notice served upon the drawer and endorsers: $0.50.

For every notice, including the service and recording copy of the same, to an endorser or drawer, in addition to the postage actually paid: $0.50.

N.B. These fees are those which may be charged by the petitioner to the protester; all additional fees are in the charge of the protester with whom the notary should agree in advance.

Division XIV
PARTNERSHIP, DISSOLUTION OF PARTNERSHIP

27. The fees will be established according to the importance, special stipulations and share of partners:

(a) initial capital of $20,000 or less: $30 to $100;

(b) initial capital over $20,000, up to $50,000: $100 to $250;

(c) initial capital of $50,000, but less than $100,000: $250 to $500;

(d) initial capital of $100,000 and over: fees of ½ of 1% of the capital stock;

(e) without pecuniary contribution: $30 to $500.

declaration of name or style: $15;

declaration of dissolution: $10.

Division XV
INCORPORATION OF COMPANIES

28. **Incorporation of joint stock companies:** Preparation of the petition, memorandum of agreement, declaration of head office, of the shareholders book, the register of the minutes of meetings, the register of transfers and by-laws required to commence operations: minimum $200.

29. **Incorporation of companies without pecuniary gain:** Preparation of the petition, memorandum of agreement, declaration of head office, minutes of meeting and by-laws required to commence operations; the presentation of these by-laws for deposit with a competent authority minimum $100.

30. Supplementary letters patent: minimum $150.

31. All procedures necessary for the annulment of letters patent including the preparation of the petition, the minutes of meetings and notices to be published to this effect: minimum $200.

32. Constitution of an association into a civil corporation: petition to municipal authorities: $25.

Deposit of the declaration and of the certificate of approval of the council to the prothonotary and the Government: $20; preparation of by-laws: $50 to $75; notice to the prothonotary: $10, notice of dissolution: $10.

33. For each report required by competent authority: $10.

For the preparation of a prospectus or for any request of exemption of registration addressed to a competent authority governing the issuance of securities: hourly tariff, minimum $10.

For each presentation of by-laws for deposit to the authority having constituted the company: $10 to $25.

A petition to obtain a license required by corporations and the Mortmain Act: $50.

For the preparation of a company or corporation resolution or by-law: hourly tariff with a minimum of $5.

Division XVI
TRUST DEED

34. For the preparation and execution of a trust deed, including its drawing-up, interviews with the parties, study of the project with the latter, etc.: the fees of division I, sections 4 and 5, with a minimum of $100.

35. For execution only of the trust deed, when the latter was entirely prepared by other judicial counsellors: the consideration being $100,000 or less, the fees will be $1 per $1,000, with a minimum of $100 plus $0.25 per $1,000, or fraction of $1,000 on the surplus of $100,000 with a maximum of $500

If the notary must transcribe the deed on prescribed paper, he will moreover have a right to the cost of transcription at $1 per page.

36. If, other than the execution of the deed, the notary participated in the partial drawing-up, the description of mortgaged property, etc., he will also have a right in addition to those of section 35, additional fees which should not surpass half of those provided for in section 34 hereabove and proportional to his participation in the drawing-up.

37. Copies of trust deeds:

(a) for copies required, for registration purposes: regular tariff for copies;

(b) other copies required with the first: half of the regular tariff;

(c) each copy required subsequently: regular tariff for copies.

38. Acquittance or mainlevee of a trust deed: The same fees as those provided for in division IV.

Division XVII
ESTATE

39. For the settlement of estates:

To obtain and classify documents and information necessary to prepare declarations and inventories, correspondence to this effect; to prepare and receive declarations for the duty office on estate rights; to prepare and have statutory forms signed, to send documents to the duty office; the correspondence relative to the payment of taxes; reception of permits to dispose, preparation and reception of 2 notices of transmission of immovables, bank deposits, insurance or securities, the necessary copies of the deeds hereabove, the attendance for the registration or forwarding of these declarations of transmission and documents which accompany them: 2½% of the gross amount of the assets of the estate if these assets do not exceed $10,000, with however an extra minimum for assets exceeding $10,000 to $100,000: from 1½% to 2½% $75; also for the assets exceeding $100,000 to $500,000: ¾ of 1%; also on the amount exceeding $500,000 the fees not exceeding ½ of 1%

40. To draw up the minutes for a safety deposit box inventory, including 10 items or less: $20.

For each item described in the minutes over the first 10: $1.

41. If for the purposes of the settlement of the estate and the obtaining of information, the notary is called upon to make attendances outside of his study, he also has the right to the fees hereabove provided for; hourly fees for his attendances.

42. (1) When the notary has proceeded to the settlement of the estate:

(a) declarations of transmission of immovables and transfer of hypothecary claim in addition to those provided for in section 39:

(i) if the assets transmitted are worth $5,000 or less: $25, including the copies and the attendance for registration,

(ii) if the assets transmitted exceed $5,000; including the copies and the attendance for registration: $35.

(b) declaration of transmission of bank deposits, bonds, stocks, obligations, etc., in addition to those provided for in section 39.

(i) if the assets transmitted are worth $5,000 or less: $15;

(ii) if the assets transmitted exceed $5,000: $25.

(2) When the notary has not proceeded to the settlement of the estate

(a) for declarations of worth to competent authority:

(i) if received in minutes: division I, sections 4 and 5;

(ii) if there is only a deed of deposit: division X;

(b) transmission of immovables and transfer of hypothecary claims:

if the assets transmitted are worth $5,000 or less: $40; including the copies and the attendance for registration; plus $1 per $1,000, or fraction of $1,000 over $5,000, with a maximum of $200,

(c) transmission of bank deposits, bonds, stocks, obligations, etc:

if the assets transmitted are worth $5,000 or less: $25; plus $1 per $1,000, or fraction of $1,000, over $5,000 with a maximum of $100.

43. Legacies, according to importance: $20 to $100.

Division XVIII
TUTORSHIPS, CURATORSHIPS, AUTHORIZATIONS

44. For each tutorship and curatorship, or appointment or authorization procedure in relation to an incapacitated person, including the declaration, the minutes of the family council, the petition and affidavit, according to the importance of the procedure: from $35 to $50.

For any additional procedure: $10.

The drawing up of notices of convocation, their signification and the holding of family councils, when exceeding one hour, will require the hourly tariff.

Division XIX
PETITION

45. For the preparation of any petition not provided for in this tariff, including the affidavit, from $35 to $75, according to importance.

Each additional petition conclusion: $10.

The hourly tariff will be applied to each hour, in addition to the first, spent in preparation of the petition.

Division XX
VOLUNTARY SALES OF ASSETS BELONGING TO INCAPACITATED PERSONS, ABSENTEES OR THOSE WHO ARE THE SUBJECT OF A SUBSTITUTION

46. As the case may be, the tariff prescribed in division XIX, for petitions will be followed.

As to the other procedures required, minimum fees of $20 will be required for each procedure and, also, the hourly tariff will be applicable for each hour, in addition to the first, spent in the preparation of the procedure.

In addition to the fees of the contract based on division I, the notary has the right to a commission of 2% on the price of adjudication up to $25,000, and 1% for each $1,000 or fraction of additional $1,000.

Division XXI
DEEDS OF PARTITION, LIQUIDATION, RENDERING OF ACCOUNTS

47. To draw up the preamble or the statement, according to its importance: $25 to $200; for each hour spent in the preparation of the deed: hourly tariff.

Division XXII
INVENTORY, REPORT OF PRACTITIONERS, BENEFIT OF INVENTORY

48. Preamble, according to importance: $20 to $50. For each hour employed in addition to the first in the preparation and execution: hourly tariff. For the preparation of the notice of convocation: $4, and for each notice: $3. Serving of notice of convocation: hourly tariff.

Acceptance under inventory benefit: $25; renunciation as heir, pure and simple: $20; for other procedures which could be necessary: see division XX.

Division XXIII
COMMISSIONS

49. To negotiate a loan or transfer of debts, otherwise agreed upon, the fees shall be according to the usage of the place, with however a minimum of 2%. To negotiate the renewal of a loan when the term has expired: one-half of the commission on the original loan.

To negotiate a sale, exchange or purchase of immovables: the tariff of real estate brokers.

To negotiate a sale, exchange, purchase of company shares unlisted on the stock exchange or other securities: 3% of the selling price or of the value of the shares or assets exchanged.

Division XXIV

50. The notary has the right to special fees because of his aid, proceedings, study of legal questions, examination of documents, meetings, conferences, notices and consultations, preparation and presentation of bills, correspondence, interviews, research and any special work carried out, the whole according to the importance of the transaction which was conferred to him, counsel given and services rendered.

Division XXV
SPECIAL FEES

51. In addition to the fees hereabove-mentioned, the following are exigible:

(1) (a) In all deeds and other documents prepared by the notary, when not otherwise provided for by the present tariff, the notary must exact fees according to the time employed, to the importance of the transaction and to the service rendered.

(b) For any deed prepared on request and which is not signed: half of the fees provided for such deed, or the hourly tariff, with a minimum of $10.

(2) (a) If the deed stipulates more than one agreement, the fees shall be required for each agreement according to the tariff established for each of them. The usual incidental clauses shall not be considered as additional agreements;

(b) If the same transaction necessitates more from a deed such as a deed of loan, deed of trust, commercial security, the fees provided for in this tariff for the deed of principal, half of the fees of this tariff for the preparation and reception of additional deeds.

(3) To prepare agreements or documents not otherwise provided: hourly tariff with a minimum of $10.

(4) Cases not provided for in this tariff:

(a) for each additional deed appearer: $3;

(b) for each designation of a part of a lot: $5. If the designation of an immovable is limited to the number of the cadastre, these fees will be reduced to $0.25 for each of the additional numbers;

(c) for each servitude mention or claim title: $3;

(d) for each transfer of an insurance policy including the notification to the company: $4;

(e) for each half-hour spent to prepare adjustments: $15;

(f) for the preparation of a notice of address, a copy and the attendance at the registry office: $8;

(g) for each requisition for a certificate of search, the fees will be $0.10 per lot, with a minimum of $3;

(h) for each document annexed and certified as such: $3;

(i) to acknowledge a letter and to compose one: minimum $3.

(5) (a) For each attendance at the registry office, at the Court House or elsewhere in connection with the registration of any deed or document, or to ask for or obtain any certificate, document or copy whatsoever: $3.

He has a right to the same fee if the matter is attended to by correspondence.

(b) For each attendance other than that provided for in subparagraph a above: hourly tariff. The daily attendance is limited to 8 hours unless the notary has been expressly requested to give his services for a longer period.

(6) To attest signatures, receive oaths, identification certificates: $2.

(7) For notices of convocation or others:

each page. $1, save printed obligation deeds, each page: $0.50;

for each certificate of authenticity on a copy of a deed, or a document annexed: $1;

for each copy or deed extract not less than $4; and any document or extract of document annexed, not less than $3 including certificates.

(8) For searches for deeds in his office or for those for which he is depositary: $0.50 per year of research. No such charge must be exacted when the date of the deed is given.

(9) For the practice of his profession during the night, upon the special request of the parties, from 9:00 p.m. to 7:00 a.m., the fees shall be double those hereinabove provided. Notaries who habitually have a night office are entitled to double fees only after 10.00 p.m.

(10) At any time when fees must be based on the time spent by the notary, the hourly tariff is fixed at the minimum rate of $30.

(11) In addition to the fees and commissions in this tariff, the notary has the right to his travelling expenses and disbursements by him for his customers.

URBANISTS

TARIFF OF FEES OF URBANISTS

(Statutory Regulations,
Québec Official Publisher,
1972, p. 9-695)

1. Tariff of fees of urbanists

1. This tariff determines the minimum remuneration which the urbanist in consulting practice must receive for professional services rendered, in the absence of an agreement stipulating a higher remuneration.

2. The expression "urbanist" as used herein, means a member of The Corporation of Urbanists of Québec.

3. Remuneration for the professional services of an urbanist shall be by fees established on a *per diem* basis at rates which shall not be less than:

Principals	$150
Urbanists	$120

Remuneration for services of collaborators will be on the basis of rates which shall be no less than:

Technicians	$ 84
Draftsmen	$ 54

4. For the purpose of calculating, the remuneration, 6 hours shall be taken as a working day; if more or less than 6 hours in any one day is occupied by the work, the time shall be charged in proportion to the daily rate.

5. All time expended on the work whether in the urbanist's office, at the client's premises, or elsewhere, shall be included. If travelling time is required during normal working hours, the time so used is properly chargeable. If such travelling is done outside of normal working hours, the time is chargeable up to a maximum of 3 hours per day.

6. The actual time, to the nearest half hour, spent on the project by the urbanist and his staff must be properly recorded daily.

7. In addition, the urbanist shall be reimbursed for the actual cost of all disbursements made by him for expenses properly incurred in the performance of his services, including the following:

(a) living and travelling expenses of employees and principals when away from the home office on business connected with the project;

(b) identifiable communication expenses such as long distance telephone, teletype, telegraph, postage and express charges;

(c) cost of outside services, including any work for which it is necessary to use the services of other persons or firms;

(d) identifiable editing and reproduction costs such as blueprinting, photostating, mimeographing, printing, etc.

8. Should the client desire at any time to inspect or audit the urbanist's time and out-of-pocket expenses records in order to substantiate the time and expenses claimed, the urbanist will allow such inspection or audit at a mutually agreeable time. The urbanist shall render all assistance required to facilitate such inspection or audit.

APPENDIX 3

REGULATORY PROVISIONS PRIOR TO THE PROFESSIONAL CODE IN VIRTUE OF WHICH FAILURE TO RESPECT THE FEE SCHEDULES IN FORCE CONSTITUTES A VIOLATION OF THE CODE OF ETHICS

AGRONOMISTS

REGULATION OF THE CORPORATION DES AGRONOMES, section 32

(Statutory Regulations, Québec Official Publisher, 1972, p. 9-331)

> "Any agronomist who does the following things is guilty of an act derogatory to the honour and dignity of the profession:
> . . .
>
> (15) infringes any provision of the Act or regulations of the Corporation;
> . . .
>
> (20) except as regards a paid agronomist practising his profession for his usual employer, undertakes with a client in advance to abandon, remit, or reduce the fees or disbursements established by the regulations and to which the agronomist may be entitled from him, makes any agreement to that effect, or offers such dealing to a client in particular, or to the general public, in advance;"

CHARTERED APPRAISERS

REGULATION OF THE CORPORATION OF CHARTERED APPRAISERS, section 13.11

(Statutory Regulations, Québec Official Publisher, 1972, p. 9-750-3)

> "Remuneration: The appraiser must establish his fee in conformity with the tariffs approved by the Corporation."

ENGINEERS

CODE OF ETHICS OF ENGINEERS, sections 24 and 26

(Statutory Regulations, Québec Official Publisher, 1972, p. 9-399)

"He shall not use unfair means to win professional advancement nor shall he injure the chances of another engineer to secure and hold employment.

He shall not compete with another engineer on the basis of charges for engineering services by reducing his fees below the legal tariff of fees."

"The engineer shall neither offer to perform nor perform engineering services of any kind for fees lower than those stipulated in the tariff of minimum fees of the Corporation and/or for conditions that would have the effect of directly or indirectly reducing these fees. This does not apply to a salaried engineer when rendering engineering services to his regular employer.

He shall uphold the principle of appropriate and adequate compensation for those engaged in engineering work, on a salaried or other basis, as being in the public interest and maintaining the standards of the profession."

FOREST ENGINEERS

REGULATION OF THE CORPORATION OF FOREST ENGINEERS, section 75

(Statutory Regulations, Québec Official Publisher, 1972, p. 9-471)

"The forest engineer shall neither offer his professional services nor undertake to render them at fees less than those stipulated in the schedule of minimum fees published by the Corporation, or on conditions which would directly or indirectly reduce those fees. This clause shall not apply, however, to salaried forest engineers, when practising their profession for their employer."

LAND SURVEYORS

REGULATION OF THE CORPORATION OF LAND SURVEYORS, section 9(b)(12)(iii)

(Statutory Regulations, Québec Official Publisher, 1972, p. 9-427)

"(b) Incompatibility: The following acts are declared incompatible with the honour and dignity of the profession:

. . .

(12) (i) . . .
(ii) . . .
(iii) carrying on land-surveying work for remuneration lower than that established by the regulation of the Corporation;"

LAWYERS

JUDICIAL AND EXTRAJUDICIAL FEES

REGULATION OF THE BAR OF QUEBEC, section 82

(Statutory Regulations, Québec Official Publisher, 1972, p. 9-009)

"Except in the cases expressly provided for by sections 86 and 87, or in exceptional cases warranted by considerations of a charitable or family matter, an advocate shall not:

(a) agree in advance with a client not to charge him for disbursements or fees, judicial or extrajudicial;

(b) agree in advance with a client to reduce the fees and disbursements established by the tariffs or the by-laws;

(c) offer any such inducement to a particular client or to the public in general."

NOTARIES

REGULATION OF THE ORDER OF NOTARIES, section 86

(Statutory Regulations, Québec Official Publisher, 1972, p. 9-067)

"The following acts are declared derogatory to the honour of the profession:

. . .

(e) a notary's lending his services at a fee other than that established by the tariff in force;

(f) any agreement, covenant, or offer of services by a notary for the purpose of practising his profession at a fee less than the tariff;"

CODE OF PROFESSIONAL ETHICS OF THE NOTARIES, section 21

(Statutory Regulations, Québec Official Publisher, 1972, p. 9-097)

> "Not only must a notary respect scrupulously the notarial tariff, but he must refrain from criticizing fees charged by other Notaries, even if he considers such fees to be excessive, counselling the complainants to seek from the Board of Notaries such redress to which they may be entitled.
>
> The notary must avoid fixing in advance by telephone or otherwise, the amount of the fees for a deed at a time when he does not know the full extent of the services which will be required."

THE PROVISIONS OF SECTION 15(i) OF THE NOTARIAL ACT (S.Q. 1968, c. 70) SHOULD ALSO BE NOTED:

> "The chief duties of every notary, in addition to those required of him by this act, shall be:
> . . .
>
> (i) to comply with the provisions of the tariff in force;"

URBANISTS

CODE OF ETHICS, s. 3.1.7

(un-published, March 1, 1972)

> "Fees for all planning work shall be established in accordance with the minimum tariff of fees established by the Corporation and in no case shall a member of the Corporation charge less than the stated fee."

APPENDIX 4

DISCIPLINARY DECISIONS AGAINST CERTAIN PROFESSIONALS WHO FAILED TO RESPECT A MINIMUM FEE SCHEDULE, RENDERED AFTER THE PROFESSIONAL CODE CAME INTO FORCE

(1976) D.D.C.P. 69

COMMITTEE - NOTARIES - 3

Note

Fictitious names have been used for the parties concerned in this decision.

Nature of the complaint

Charged with having lent his services at a rate other than that set down in the tariff in force. Complaint upheld.

Respondent reprimanded, ordered to pay a fine of $400 and costs.

Notarial Act (S.Q. 1968, c. 70 and am.) s. 15(i) - Regulation of the Order of Notaries of Québec, s. 86(e) - Code of Professional Ethics of Notaries, s. 21.

Decision of the Committee on Discipline

Statement of the complainant

During an inspection carried out in the office of the respondent on December 18, 1975, he admitted in the presence of the inspector that he was charging the "A" construction company the sum of $325 in fees and expenses, regardless of the considerations involved.

It appears in fact that two bills for $325 each were sent by the respondent to this client on November 24, 1975; the first one involved a sale with a consideration of $45,209, accompanied by a loan of $40,709, and the second a sale of $36,525 and a loan of $32,025.

In acting as he did, the respondent failed to conform to section 15(i) of the Notarial Act[1], committed an act derogatory to the honour of the profession as described in section 86(e) of the Regulation of the Order, and contravened section 21 of the Code of Ethics.

Consequently, and for the reasons listed above, the undersigned, in his capacity as syndic of the Order of Notaries of Québec, brings this complaint against the respondent and requests the

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1 S.Q. 1968, c. 70 and amendments.

Committee on Discipline to deal with it at its next meeting, to which the respondent must be summoned in order to defend himself against the accusations.

Verdict

Having heard the testimony, examined the evidence, and listened to the arguments of both parties, the Committee finds the respondent guilty on the first count of having failed to observe the terms of the tariff in force.

Having heard the testimony, examined the evidence, and listened to the arguments of both parties, the Committee finds the respondent guilty on the second count of having failed to observe the terms of the tariff in force.

Penalties

The Committee's decision is:

(1) on the first count, reprimand and fine of $200;

(2) on the second count, reprimand and fine of $200.

The respondent is also required to pay the costs of the inquiry, including those of the shorthand record.

Unanimous decision of the Committee on Discipline of the Order of Notaries of Québec, made up of Maîtres*Abraham Feiner, Q.C., Chairman, François Rainville, and Gérard Giroux. Decision No. 26-76-00015, handed down at Montreal on April 9, 1976.

* No English equivalent

(1976) D.D.C.P. 70

COMMITTEE - NOTARIES - 4

Note

Fictitious names have been used for the parties concerned in this decision.

Nature of the complaint

Charged with having lent his services at a rate other than that set down in the tariff in force. Complaint upheld.

Respondent reprimanded, ordered to pay a fine of $400 and half the costs.

Notarial Act (S.Q. 1968, c. 70 and am.) s. 15(i) - Regulation of the Order of Notaries of Québec, s. 86(e) - Code of Professional Ethics of Notaries, s. 21.

Decision of the Committee on Discipline

Statement of the complainant

As a result of an inspection carried out in the respondent's office, it came to light that he had, on November 10, 1975, billed one of his clients $275 per portfolio for four portfolios of mortgage loans and sales.

Each of these portfolios included a deed of loan for the sum of $24,442 in favour of a loan company, and a sale of $25,000.

In acting as he did, the respondent failed to conform to section 15(i) of the Notarial Act[1], committed an act derogatory to the honour of the profession as described in section 86(e) of the Regulation of the Order, and contravened section 21 of the Code of Ethics.

Consequently, and for the reasons listed above, the undersigned, in his capacity as syndic of the Order of Notaries of Québec, brings this complaint against the respondent and requests the Committee on Discipline to deal with it at its next meeting, to which the respondent must be summoned in order to defend himself against the accusations.

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1 S.Q. 1968, c. 70 and amendments.

Verdict

The Committee on Discipline, having heard the testimony, examined the evidence, and listened to the arguments of both parties, finds the respondent guilty of having failed to comply with section 15(i) of the Notarial Act, and in so doing, of having committed an act derogatory to the honour of the profession.

Penalties

The Committee therefore

(1) reprimands the respondent;

(2) fines him $400;

(3) requires him to pay half the costs of the inquiry and the hearing, and the costs of registration.

Unanimous decision of the Committee on Discipline of the Order of Notaries of Québec, made up of Maîtres Abraham Feiner, Q.C., Chairman, Claude Houle, and Guy Rivet. Decision No. 26-76-00016, handed down at Montreal on April 14, 1976.

(1976) D.D.C.P. 71

COMMITTEE - NOTARIES - 5

Nature of the complaint

Charged with having lent his services at a rate other than that set down in the tariff in force. Complaint upheld.

Respondent reprimanded, ordered to pay a fine of $600 and half the costs.

Notarial Act (S.Q. 1968, c. 70 and am.) s. 15(i) - Regulation of the Order of Notaries of Québec, s. 86(e) - Code of Professional Ethics of Notaries, s. 21.

Decision of the Committee on Discipline

Statement of the complainant

As a result of an inspection carried out in the respondent's office, it was discovered that he had billed a client $275 per portfolio for three portfolios of mortgage loans and sales. There were three loans of $22,725 each granted by a loan company, and three deeds of sale, one for $23,875 and the other two for $24,325 each.

In another case, the respondent billed his client $275 per portfolio for eight portfolios of mortgage loans and sales. There were eight loans of $23,937 each granted by a loan company, and eight deeds of sale for a consideration of about $25,000.

In acting as he did, the respondent failed to conform to section 15(i) of the Notarial Act[1], committed an act derogatory to the honour of the profession as described in section 86(e) of the Regulation of the Order, and contravened section 21 of the Code of Ethics.

Consequently, and for the reasons listed above, the undersigned, in his capacity as syndic of the Order of Notaries of Québec, brings this complaint against the respondent and requests the Committee on Discipline to deal with it at its next meeting, to which the respondent must be summoned in order to defend himself against the accusations.

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1 S.Q. 1968, c. 70 and amendments.

Verdict

The Committee on Discipline, having heard the testimony, examined the evidence, and listened to the arguments of both parties, finds the respondent guilty of having failed to comply with section 15(i) of the Notarial Act, and in so doing, of having committed an act derogatory to the honour of the profession.

Penalties

The Committee therefore

(1) reprimands the respondent;

(2) fines him $600;

(3) requires him to pay half the costs of the inquiry and the hearing, and the costs of registration.

Unanimous decision of the Committee on Discipline of the Order of Notaries of Québec, made up of Maîtres Abraham Feiner, Q.C., Chairman, Claude Houle, and Guy Rivet. Decision No. 26-76-00020, handed down at Montreal on April 14, 1976.

(1976) D.D.C.P. 75

COMMITTEE - NOTARIES - 8

Nature of the complaint

Charged with having lent his services at a rate other than that set down in the tariff in force. Complaint upheld.

Respondent reprimanded, ordered to pay a fine of $1,000 and costs.

Notarial Act (S.Q. 1968, c. 70 and am.) s. 15(i) - Regulation of the Order of Notaries of Québec, s. 86(e) - Code of Professional Ethics of Notaries, s. 21.

Decision of the Committee on Discipline

Statement of the complainant

The respondent received six deeds of obligation, bearing the numbers 5479 to 5484 in his minutes, each for the sum of $42,900, granted by a bank to the respondent's client; the client was charged for these deeds, in fees and expenses, the sum of $100 per loan.

In acting as he did, the respondent failed to conform to section 15(i) of the Notarial Act[1], committed an act derogatory to the honour of the profession, and contravened section 21 of the Code of Professional Ethics.

Consequently, and for the reasons listed above, the undersigned, in his capacity as syndic of the Order of Notaries of Québec, brings this complaint against the respondent and requests the Committee on Discipline to deal with it at its next meeting, to which the respondent must be summoned in order to defend himself against the accusations.

---

1 S.Q. 1968, c. 70 and amendments.

Verdict

The Committee on Discipline, having heard the testimony, examined the evidence, and listened to the arguments of both parties, finds the respondent guilty of having failed to comply with section 15(i) of the Notarial Act, and in so doing, of having committed an act derogatory to the honour of the profession.

Penalties

The Committee imposes the following penalties on the respondent:

(1) a reprimand;

(2) a fine of $1,000;

(3) payment of costs, including the costs of registration.

Unanimous decision of the Committee on Discipline of the Order of Notaries of Québec, made up of Maîtres Abraham Feiner, Q.C., Chairman, Claude Houle, and Guy Rivet. Decision No. 26-76-00017, handed down at Montreal on May 11, 1976.

(1976) D.D.C.P. 266 to 268

COMMITTEE - LAND SURVEYORS - 2

Note

Fictitious names have been used for the parties concerned in this decision.

Key points

Land surveyor - charged on 4 counts of having done surveying work for less than the remuneration set by the Regulation - compulsory minimum tariff - lack of discretion on the part of the land surveyor - complaint upheld.

Verdict - taking into account: respondent's good faith - previous disciplinary record - penalty: fine of $250 on each of 4 counts, payment of costs.

Regulation of the Order of Land Surveyors and Geometers of Québec, s. 9(b)12(iii). Tariff of Land Surveyors of Québec, O.C. 590-73, 21/2/73, (1973) 105 O.G. II 427, s. 7.2(a)2, 7.2.(b)2.

Nature of the complaint

Charged with having carried out surveying work for a remuneration lower than that set by the Regulation. Complaint upheld.

DECISION OF THE COMMITTEE ON DISCIPLINE

The respondent is accused by the syndic of the Order of Land Surveyors of having committed acts derogatory to the honour and dignity of the Order of Land Surveyors of Québec.

(1) On or about May 28, 1975, having staked 10 lots in the official cadastre of the Parish of F, these lots being 144-14 to 144-20 and 144-13 with 143-27, 144-21 with 145-19, 144-22 with 145-30, the respondent charged for this professional act a rate lower than that indicated in section 7.2(b)2 of Regulation 73-100 of the Order[1] and contrary to section 9(b)12(iii) of the Regulation of the Order of Land Surveyors of Québec.

(2) On or about May 28, 1975, having staked 22 lots in the official cadastre of the Parish of F, these lots being 144-36 to 144-57, the respondent charged for this professional act a rate lower than that indicated in section 7.2(b)2 of Regulation 73-100 of the Order and contrary to section 9(b)12(iii) of the Regulation of the Order of Land Surveyors of Québec.

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1 Tariff of Land Surveyors of Québec, O.C. 590-73, 21/2/73, (1973) 105 O.G. II 427.

(3) On or about August 22, 1975, having staked 13 lots in the official cadastre of the Parish of F, these lots being 144-59 to 144-69, 144-70 and 143-39, the respondent charged for this professional act a rate lower than that indicated in section 7.2(b)2 of Regulation 73-100 of the Order, and contrary to section 9(b)12(iii) of the Regulation of the Order of Land Surveyors of Québec.

(4) On or about September 22, 1975, having staked 20 lots in the official cadastre of the Parish of F, these lots being 143-29 to 143-38 and 144-71 to 144-80, the respondent charged for this professional act a rate lower than that indicated in section 7.2(b)2 of Regulation 73-100 of the Order, and contrary to section 9(b)12(iii) of the Regulation of the Order of Land Surveyors of Québec.

(5) On or about September 22, 1975, having staked 20 lots in the official cadastre of the Parish of F, these lots being 143-29 to 143-38 and 144-71 to 144-80, the respondent charged for this professional act a rate lower than that indicated in section 7.2(b)2 of Regulation 73-100 of the Order, and contrary to section 9(b)12(iii) of the Regulation of the Order of Land Surveyors of Québec.

First, it became apparent to the Committee that count 5 was a repetition of count 4, and consequently they consider that the complaint has only 4 counts, 1,2,3, and 4.

With the consent of counsel for the respondent, the syndic produced in support of his argument four bills: (1) one dated May 28, 1975, for the sum of $300, relating to the staking of lots 144-14 to 144-20, 144-13 with 143-27, 144-21 with 145-19, 144-22 with 145-30; (2) one dated May 28, 1975, for the sum of $660, relating to the staking of lots 144-36 to 144-57; (3) one dated August 22, 1975, for the sum of $360, relating to the staking of lots 144-59 to 144-69, 144-70 and 143-39; (4) one dated September 22, 1975, for the sum of $300, relating to the staking of lots 143-29 to 143-38, 144-71 to 144-80.

It should be noted that these bills show that the rate charged per lot listed was $30. The syndic claims that this rate is an infraction of section 7.2(b)2 of the tariff of fees of the Order of Land Surveyors of Québec, which reads:

> 7.2 Fees - staking: The following minimum fees are subject to the requirements of section 6. When applicable, the supplementary fees specified in section 4 must be added:
>
> (a) . . .
>
> (b) For more than one emplacement in the same project, when done at the same time: . . .
>
> 2. Establishment of property limits, setting of markers, minimum $55 per emplacement; . . .

The respondent obviously must admit that these bills are not consistent with the sum of $55 per emplacement. He alleges that at an information session held by the Order of Land Surveyors following the coming into force of the new tariff, one of the panelists mentioned, in answering a question on this point, that when only certain boundaries are marked instead of the usual four it is reasonable to charge an hourly rate rather than the minimum fee provided for in section 7.2(b)2.

Even if this was the case, and the Committee has no reason to doubt the respondent whose statement was not disproved, it would not in the Committee's opinion constitute an acceptable legal defence against the accusation. The panelist's interpretation, valid or not, is in no way binding on the Committee.

The respondent asserts that during the staking which resulted in the four bills, he placed the front markers only, the rear markers having to the best of his recollection already been established or placed by him.

The respondent was unable to produce for the Committee any written evidence, note or document showing that the rear markers of the lots in question had been previously placed by him.

The principal question which arises from this complaint, and which must be resolved by the Committee is obviously the interpretation of the words "for more than one emplacement in the same project, when done at the same time: establishment of property limits, setting of markers, $55 per emplacement". The Committee is satisfied that the fees stipulated in section 7.2 apply in all cases where markers are set, and that it is not left to the individual land surveyor to set a tariff which differs from the one provided. In the Committee's view, section 7.2(b)2 leaves nothing to the discretion of the individual land surveyor.

Therefore the Committee considers that when a land surveyor is called upon in the course of his duties to establish property limits or place markers (no matter how many), for more than one emplacement in the same project, done at the same time, the minimum fee is $55 per emplacement, and this is obligatory.

The Committee believes that the provisions of 7.2(a) and 7.2(b) were intended to take into account the decrease in the amount of work required of a land surveyor when he establishes the property limits of adjacent lots, since they are a part of the same project and since the work is done at the same time.

If on the other hand the work involves an isolated emplacement, obviously it is more complex and the minimum fee is naturally higher: section 7.2(a)2 stipulates $100.

In consequence, the Committee finds the respondent guilty as charged on the first four counts, the fifth being rejected as noted above.

Having heard the parties through their counsel and having deliberated the sentence, the Committee feels that it has no reason to disbelieve the respondent when he states that at an information session held following the adoption of the new tariff, comments were made by one of the panelists which led him to believe that members of the Order had a certain discretion in setting their fees when staking is a continuation of previous work.

The Committee therefore believes that the respondent acted in good faith.

In arriving at the following decision, the Committee has kept in mind that the respondent has a disciplinary file which, however, goes back to events of more than fifteen years ago.

With the foregoing in mind, the Committee, in the presence of the respondent and his counsel, fines the respondent $250 on each of the counts 1 to 4 inclusively, and requires him to pay all costs, the fine and the costs to be paid within thirty days from today.

Unanimous decision of the Committee on Discipline of the Professional Corporation of Land Surveyors of Québec, made up of Maître Pierre Boudreault, Q.C., Chairman, Sévérin Pelletier, and Gérard Raymond. Decision No. 04-76-00007, handed down at Québec, February 18, 1976.

APPENDIX 5

ADDITIONAL INFORMATION ON TABLE 3, "NUMBER AND PROPORTION OF PROFESSIONALS IN PRIVATE PRACTICE FULL-TIME"

I SOURCES OF INFORMATION

- Questionnaires sent out in April 1976 to 38 professional corporations;
- Public hearings on fee schedules, and briefs presented at those hearings;
- Discussions by telephone with some of the professional corporations;
- A study by the *Office des professions* entitled The Evolution of Professionalism in Québec;
- A study by the *Centre de recherche et développement économique* at the Université de Montréal, entitled La tarification professionnelle dans le contexte de la pratique privée;
- Annual reports of some of the professional corporations.

II NUMBER OF MEMBERS PRACTISING PART-TIME IN THE PROFESSIONAL CORPORATIONS WHICH PROVIDED INFORMATION ON THIS SUBJECT

- Architects	:	71
- Chartered Administrators	:	406
- Denturologists	:	20
- Dieticians	:	27
- Guidance Counsellors	:	175
- Land Surveyors	:	150
- Licensed General Accountants	:	755
- Nursing Assistants	:	183
- Occupational Therapists	:	8
- Physiotherapists	:	29

- Podiatrists : 1
- Social Workers : 21
- Speech Therapists and Audiologists : 8

III SPECIFIC REMARKS

- Architects : information based on the number of members practising in Québec. The total number on March 31, 1975 was 1 238.

- Dental Hygienists : about 2/3 of the members work in private dental offices.

- Dentists : the figure 1 611 should be considered a minimum.

- Lawyers : the figure 3 000 should be considered a minimum.

- Notaries : the figure 1 531 represents the number of notaries in possession of records. Notaries in private practice part-time are therefore included.

- Nurses : as a result of a questionnaire sent to its members to find out in which sectors

they practised, the corporation was able to establish that 339 (about 1.1%) of the 30 053 members who replied to the questionnaire were in private practice. Using this percentage, the *Office* indicated, in Table 3, that 462 of the 40 996 active members were in private practice on December 31, 1975. The total number of members was 47 818.

- Veterinary Surgeons : the figure 310 represents the number of veterinary surgeons in private practice only.

APPENDIX 6

AGENCIES HEARD DURING THE PUBLIC HEARINGS ON FEE SCHEDULES

(A) Professional corporations

Corporation professionnelle des agronomes du Québec

Order of Architects of Québec

Bar of Québec

Order of Chartered Accountants of Québec

Professional Corporation of Chartered Appraisers of Québec

Order of Chiropractors of Québec

Order of Dentists of Québec

Professional Corporation of Dieticians of Québec

Order of Dispensing Opticians of Québec

Order of Engineers of Québec

Order of Forest Engineers of Québec

Professional Corporation of Guidance Counsellors of Québec

Order of Hearing-Aid Acousticians of Québec

Professional Corporation of Industrial Relations Counsellors of Québec

Order of Land Surveyors of Québec

Order of Notaries of Québec

Order of Nurses of Québec

Professional Corporation of Nursing Assistants of Québec

Professional Corporation of Occupational Therapists of Québec

Order of Optometrists and Opticians of Québec

Professional Corporation of Physicians of Québec

Professional Corporation of Physiotherapists of Québec

Order of Podiatrists of Québec

Order of Veterinary Surgeons of Québec

(B) Professional Associations

Association of Consulting Engineers of Québec

Association of Consulting Land Surveyors of Québec

Federation of Dental Specialists of Québec

Québec Dental Surgeons Association

Québec Insurance Brokers Federation

Association des médecins vétérinaires du Québec

Académie de médecine vétérinaire de Montréal,

and the Association of Equine Practitioners, three groups which presented a joint brief.

(C) Other agencies

Consumers' Association of Canada (Québec) in collaboration with the Groupe de recherche en jurimétrie of the Faculté de droit of the Université de Montréal

Conseil du patronat

APPENDIX 7

THE POSITION OF THE PROFESSIONAL CORPORATIONS HEARD DURING THE PUBLIC HEARINGS ON FEE SCHEDULES

Professional corporations in favour of compulsory minimum fee schedules

1 - Agronomists (although they concede that payments for certain services might be based on a recommended minimum schedule)
2 - Architects (although they concede that payments for certain services might be based on an official recommended minimum schedule)
3 - Chartered Appraisers
4 - Dieticians
5 - Dispensing Opticians
6 - Engineers
7 - Forest Engineers
8 - Hearing-Aid Acousticians
9 - Industrial Relations Counsellors
10 - Land Surveyors
11 - Notaries
12 - Nursing Assistants

Professional corporations in favour of a recommended fee schedule

1 - Chiropractors
2 - Guidance counsellors
3 - Nurses
4 - Occupational therapists

Professional corporations in favour of a maximum tariff and a tariff range

Physiotherapists

Professional corporations which supported the principle of not setting tariffs of fees

1 - Chartered Accountants
2 - Lawyers (although they conceded that payment for certain services might be based on a tariff)
3 - Podiatrists
4 - Veterinary Surgeons

Professional corporations which did not opt for any particular form of fee-setting because they considered this a matter to be settled by the professional associations

1 - Dentists
2 - Optometrists
3 - Physicians

APPENDIX 8

STATISTICS ON THE INCOME OF PROFESSIONALS IN PRIVATE PRACTICE

TAXABLE RETURNS, BY PROFESSION,

PROVINCE OF QUEBEC, TAX YEAR 1974

Occupation	Number	Total income $ (000)	Average income $			
			1974	1973	1972	1971
hysicians & Surgeons	6,402	321,542	50,225	45,818	43,868	42,064
ngineers & Architects	1,119	45,295	40,478	46,167	34,302	26,338
awyers & Notaries	2,676	100,636	37,607	31,161	27,567	25,545
ccountants	1,796	56,549	31,486	26,711	21,126	18,835
entists	1,094	33,925	31,010	26,435	22,938	20,30[illegible]
otal of all rofessionals isted above	13,087	557,947	42,634	38,851	35,053	32,203
ll citizens n Québec	2,038,716	21,004,669	10,303	8,683	7,436	6,965

Taken from Revenue Canada, Taxation, Taxation Statistics (1976 edition): analysing the returns of individuals for the 1974 taxation year, and miscellaneous statistics, p. 122. The figures for 1973, 1972, and 1971 are taken from the preceding editions. This table gives statistics on professionals in private practice the greater part of whose income comes from professional fees. This type of income appears under the heading "Net professional income". Those whose principal source of income takes the form of a salary are not classified as professionals but as employees, and consequently do not appear in this table. "Taxable returns" means those returns which produce taxes, and not the taxable income of the professionals in question.

APPENDIX 9

PROFESSIONAL CORPORATIONS LEGALLY EMPOWERED IN OTHER CANADIAN PROVINCES TO SET FEE SCHEDULES BY REGULATION

	ARCHITECTS	CHARTERED ACCOUNTANTS	CHIROPRACTORS
ALBERTA	NO	YES - The Chartered Accountants Act, R.S.A. 1970, c. 42, s. 19	NO
BRITISH COLUMBIA	YES - The Architectural Professions Act, R.S.B.C. 1960, c. 16, s. 27	NO	NO
MANITOBA	YES - for minimum tariffs: The Architects Act, R.S.M. 1970, c. A-130, s. 11	YES - The Chartered Accountants Act, R.S.M. 1970, c. C-70, s. 17	YES - for maximum tariffs: The Chiropractic Act, R.S.M. 1970, c. C-100 s. 6
NEW BRUNSWICK	YES - for minimum tariffs: The N.B. Architects' Act, S.N.B. 1970, c. 52, s. 6	NO	YES - The Chiropractic Act, S.N.B. 1958, c. 64, s. 15
NEWFOUNDLAND	YES - The Architects Act, R.S.N. 1970, c. 253, s. 23	NO	No legislation
NOVA SCOTIA	NO	NO	NO
ONTARIO	NO	NO	NO
PRINCE EDWARD ISLAND	NO	NO	NO
SASKATCHEWAN	NO	YES - The Chartered Accountants Act, R.S.S. 1965, c. 305, s. 12	NO

	DENTISTS	DENTUROLOGISTS	ENGINEERS
ALBERTA	NO	NO	NO
BRITISH COLUMBIA	YES - for recommended tariffs: The Dentistry Act, R.S.B.C. 1960, c. 99, s. 3A; amended S.B.C. 1976, c. 15	NO	NO
MANITOBA	YES - The Association may set up dental clinics and adopt a schedule of fees applicable to users of those clinics: The Dental Association Act, S.M. 1971, c. 44, s. 31	NO	NO
NEW BRUNSWICK	NO	YES - for maximum tariffs: Act to provide for the licensing of denturists, S.N.B. 1976, c. 60, s. 18	NO
NEWFOUNDLAND	NO	No legislation	YES - for minimum tariffs: The Newfoundland Engineering Professional Act, R.S.N. 1970, c. 258, s. 6; amended S.N. 1975, c. 60
NOVA SCOTIA	NO	YES - for maximum tariffs: The Denturist Act, S.N.S. 1973, c. 5, s. 18	NO
ONTARIO	NO	NO	NO
PRINCE EDWARD ISLAND	NO	No legislation	NO
SASKATCHEWAN	NO	No legislation	YES - for minimum tariffs: The Engineering Profession Act, R.S.S. 1965, c. 309, s. 25; amended S.S. 1974 - 1975, c. 14

	LAND SURVEYORS	LAWYERS - NOTARIES	NURSES
ALBERTA	NO	NO	NO - except in the Nursing Services Act, R.S.A. 1970, c. 265, which allows the Lieutenant-Governor in Council to set tariffs of fees for services rendered by nurses working for municipalities
BRITISH COLUMBIA	YES - The Land Surveyors Act, R.S.B.C. 1960, c. 211, s. 5(f)1; amended S.B.C. 1969, c. 12	NO	NO
MANITOBA	NO	NO	NO - except in the Licensed Practical Nurses Act, R.S.M. 1970, c. P-100, covering "practical" and "provisional practical" nurses
NEW BRUNSWICK	YES - for minimum tariffs: The N.B. Land Surveyors Act, S.N.B. 1954, c. 97, s. 7(g)	NO	NO
NEWFOUNDLAND	NO	NO	NO
NOVA SCOTIA	NO	NO	NO
ONTARIO	NO	YES - for conveyancing solicitors only: Solicitors Act, R.S.O. 1970, c. 441, ss. 14 and 15	NO
PRINCE EDWARD ISLAND	NO	NO	NO
SASKATCHEWAN	NO	NO	NO

	PHYSICIANS	URBANISTS	VETERINARY SURGEONS
ALBERTA	NO (health insurance)	No legislation	NO
BRITISH COLUMBIA	NO (health insurance)	No legislation	NO
MANITOBA	NO (health insurance)	No legislation	NO - except in The Veterinary Services Act, R.S.M. 1970, c. V-50, s. 22, covering veterinarians participating in the program; maximum tariff
NEW BRUNSWICK	YES - for minimum tariffs: The Medical Act, S.N.B. 1958, c. 74, s. 3	No legislation	NO
NEWFOUNDLAND	NO (health insurance)	No legislation	NO
NOVA SCOTIA	NO (health insurance)	No legislation	NO - except in The Veterinary Assistance Act, R.S.N.S. 1967, c. 326, s. 8, covering veterinarians participating in the program; maximum tariff
ONTARIO	NO (health insurance)	No legislation	NO
PRINCE EDWARD ISLAND	NO (health insurance)	No legislation	NO
SASKATCHEWAN	NO (health insurance)	YES - for minimum tariffs: The Community Planning Profession Act, R.S.S. 1965, c. 310, s. 9	NO - except in The Veterinary Services Act, R.S.S. 1965, c. 217, s. 11, covering veterinarians participating in the program; maximum tariff

NOTES:

- This table was compiled in 1976.
- The type of tariff, when given, is the one determined by the enabling statute.
- Professional corporations which do not appear in this table do not, under the law of any province other than Québec, have the authority to establish tariffs by regulation.

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OFFICE DES PROFESSIONS
DU QUÉBEC